



The Inns of  
Court College  
of Advocacy

# Academic Regulations

## 2020–2021

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**Approval Authority:** ICCA Board of Governors; King's College London Academic Board.

**Date of Next Review:** August 2021

These regulations are subject to approval by King's College London Academic Board [through its committee governance structure incorporating the King's committees.](#)

# Compliance

- 1 **All of the following are required to comply with the Academic Regulations and Academic Policies of the Inns of Court College of Advocacy (the ICCA).**
  - 1.1
    - a) Enrolled students (as a condition of continuing enrolment), enrolled on:
      - The ICCA Bar Course Part One;
      - The ICCA Bar Course Part Two;
    - b) Academic Staff;
    - c) Professional Services Staff;
    - d) External Examiners.
  - 1.2 Stakeholders must comply with the regulatory framework in order to: a) avoid putting the ICCA or its validating academic partner King's College London at risk, b) safeguard the quality and standards of the ICCA Bar Course programme and award, c) adhere to principles of natural justice, d) comply with external legislation, e) ensure the quality of the student experience.
- 2 The ICCA Academic Regulations and Academic Policies will apply to all students enrolled on the ICCA Bar Course programme. The ICCA Academic Regulations and Policies that are in place at the date of a student's enrollment shall apply to that student until completion of the programme (including until completion of assessment re-sits). In the event of inconsistency between the Academic Regulations and the Academic Policies, the Academic Regulations apply. Amendments to the ICCA Bar Course Academic Regulations will not normally be introduced during an academic year. For these purposes an academic year is the period from 1 September to 31 August of the following year
- 3 The ICCA offers teaching and study at postgraduate level, leading to achievement of a pass classification on the ICCA Bar Course and the King's College London Postgraduate Diploma in Bar Practice (PGDip) award at Level 7 of the framework for higher education qualifications of UK degree awarding bodies.

## Other ICCA Regulations

- 4 The Academic Regulations of the ICCA are informed by, and comply with, the following:
  - a) principles of good practice;
  - b) external legislation;
  - c) Office for Students (OfS) requirements;
  - d) Professional, Statutory and Regulatory Bodies, including at (e) to (i) below;
  - e) the Bar Standards Board (BSB) [Professional Statement](#);
  - f) the BSB Curriculum and Assessment Strategy;
  - g) the BSB authorisation framework for Authorised Education and Training Organisations;
  - i) the BSB Handbook (where relevant in accordance with BSB Bar training and qualification rules).

## ICCA Bar Course Admission

- 5 Students who meet ICCA Bar Course entrance requirements may be admitted to the ICCA.

### Fair Admissions Policy

- 5.1 The ICCA is committed to the recruitment of students with the greatest academic ability and potential, irrespective of their social, cultural and economic background. The ICCA is committed to equality in education and applications are considered on their individual merits, based wholly on the information provided by the applicant through the application process.
- 5.2 The ICCA is committed to fair, transparent and consistent admissions practices and aims to offer clear advice and guidance to prospective applicants to enable them to make informed choices.
- 5.3 All applications to the ICCA shall be considered in accordance with the Admissions Policy which applies to all categories of applicants to the ICCA Bar Course and is intended to provide a central policy to support all procedures involved in selection and admission of students.
- 5.4 An Admissions Appeal Procedure is available for applicants who are unsuccessful in applying for admission to the ICCA Bar Course and who wish to appeal the decision. The Admissions Appeal Procedure is annexed to the Admissions Policy.

### Admissions Process

- 5.5 The ICCA currently operates a single admissions selection process. This means that a student offered admission to Part One of the ICCA Bar Course will also be selected for admission to Part Two, subject to successfully passing Part One assessments and meeting admission requirements in accordance with these regulations.

### Entrance Qualification and Requirements

- 5.6 The academic admissions requirements are set by the Dean of the ICCA and must be approved by the ICCA Board of Governors. These are in addition to the [mandatory admissions criteria set by the Bar Standards Board](#) (BSB) as the Professional, Statutory and Regulatory Body for the profession.
- 5.7 The ICCA publishes entry criteria in a printed and online prospectus and on a course specification sheet also accessible via the ICCA website. The information will be accurate, clear, unambiguous and timely. As such, the ICCA will not alter admissions criteria during the application cycle.
- 5.8 Applications will be assessed against the advertised entry criteria for the ICCA Bar Course.
- 5.9 To be admitted to the ICCA Bar Course (both Part One and Part Two) a student must:
- comply with the admissions process as specified in the Admissions Policy;
  - satisfy the admission requirements as specified in the Admissions Policy and

- associated entry criteria;
  - c) have satisfactorily demonstrated, taking into account individual circumstances, the skills and intellectual maturity necessary to gain full advantage from the educational experience offered by the ICCA Bar Course;
  - d) meet the admissions requirements of the BSB, including but not limited to minimum English language requirements (see 5.10)
  - e) disclose relevant criminal convictions or pending Criminal Proceedings at enrolment
  - f) have an appropriate visa, where applicable, and have satisfied the requirements of [UK Visas and Immigration](#) (UKVI)
  - g) comply with the enrolment procedure
  - h) act reasonably and fairly and treat the admissions process in a respectful manner.
- 5.10 The language of instruction is English and all students must be proficient to a minimum standard of [IELTS](#) Level 7.5 in all disciplines or a minimum score of 73 in each part of the Pearson Test of English (academic). Competency in English to the required standard must be confirmed as part of the admissions process. The entry requirements are outlined in the printed and online prospectus and on the course specification sheet also accessible via the ICCA website.
- 5.11 If the ICCA considers that any aspect of a student's language ability is not at the required level after they have commenced the course, the ICCA will, as soon as the issue is identified, require the student to:
- a) take one of the language tests above, and
  - b) provide a test certificate certifying that they have achieved the required scores within 28 days.
- 5.12 Certificates issued by an English language test provider verifying the score achieved by a candidate in one of the above tests must be current and valid by reference to the rules of that English language test provider. If the student fails to provide evidence that they have achieved the required scores within 28 days of being asked to do so, the ICCA will require the student to withdraw from the ICCA Bar Course. The ICCA will consider an application by such a student for readmission to the ICCA Bar Course at a later stage if satisfied of the student's English language proficiency, provided that the student has not exceeded the maximum period of registration for the course.
- 5.13 Students are required to provide proof of all entry qualifications. This documentation must be verified by the ICCA. All offers of study to the ICCA are conditional on the provision of proof to the satisfaction of the ICCA.
- 5.14 A student is liable for exclusion from the ICCA Bar Course if:
- a) they do not comply with any reasonable request to provide such proof;
  - b) they make a false claim in respect of application for admission;
  - c) they present false or fraudulent evidence of qualifications;
  - d) they engage another person to impersonate them; or
  - e) they impersonate another person in connection with an application for admission or in providing evidence of qualifications.

- 5.15 In accordance with the ICCA student disciplinary processes, as contained in the ICCA Student Conduct Policy, the ICCA shall report any such behaviour to the relevant Inn of Court to enable the Inn to assess whether the candidate is a fit and proper person to be called to the Bar.
- 5.16 For recognition of prior learning and experience see 7.
- 5.17 In order to be allowed to enrol onto Part Two of the ICCA Bar Course students must additionally comply with the further requirement to have joined an Inn of Court (see 6, below) and must satisfy the progression requirements at 13.2 and 13.4, below.

## ICCA Bar Course Deferrals

- 5.18 Applicants who have been offered admission to the ICCA Bar Course may, prior to enrolment, apply for deferral of their places for a period of up to one year from the specified date of commencement of Part One. Deferral applications shall be made and considered in line with the Admissions Policy.
- 5.19 The ICCA recognises that circumstances may arise after acceptance of an offer of admission which prevent, for good reason, students from commencing or continuing Parts One or Two when required and applications for Interruption of Studies will be considered on an individual basis in accordance with the Interruption of Studies procedure.
- 5.20 Students who are required to obtain a short-term study visa in order to undertake Part Two of the Bar Course should be aware that visa regulations may restrict their ability to defer their place on Part Two of the course. It is the responsibility of all students to ensure that they have the necessary permission to study in the UK before commencing Part Two of the ICCA Bar Course and/or before making an application to defer their place on the course.

## Admission to an Inn of Court

- 6 Before enrolling on Part Two of the ICCA Bar Course, a student must be a student member of an Inn of Court.**
- 6.1 It is a condition of enrolment onto Part Two of the ICCA Bar Course that students join an Inn of Court.
- 6.2 Applications must be made to the Inns (not to the ICCA) no later than 3 months prior to starting Part Two. Where a student has reason to believe that their application for Inn membership may not be straightforward (e.g. where they have a disciplinary offence or criminal conviction that they are under a duty to declare), the student is strongly advised to allow for the extra time that consideration of their case may take and apply to the Inn well in advance of the deadline. BSB Regulations on joining an Inn of Court are contained in the Bar Qualification Rules in Part 4 of the BSB Handbook, section B2.
- 6.3 Where membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the ICCA Bar Course with immediate effect, in accordance with the ICCA Student Conduct Policy.

- 6.4 Admission of a student to the ICCA does not afford to that student membership to an Inn of Court. Student membership of an Inn is distinct from admission as a student to the ICCA Bar Course.
- 6.5 Admission of a student to the ICCA does not afford to that student any preferential treatment by the Inns whatsoever, including as to Call to the Bar and to the provision of any awards and/or scholarships by the Inns.

## **Recognition of Prior Learning and Equivalent Qualifications**

- 7 The ICCA will consider applications for Recognition of Prior Learning (RPL) as part of the Admissions Process.
- 7.1 Prior Learning is previous study with an educational organisation which has been formally assessed and certified. RPL is the process whereby students can be given credit within their chosen programme of study for previous learning.
- 7.2 All applications for RPL shall be considered as part of the application process in accordance with the ICCA Bar Course RPL Policy which applies to all categories of applicants to the ICCA Bar Course.
- 7.3 The ICCA will consider applications for RPL towards:
- a) ICCA Bar Course entry qualifications of the ICCA (recognition of equivalent qualifications) (see 7.6).
  - b) The modules on Part One of the ICCA Bar Course (see 7.7 and 13.2).

### **Applications for RPL towards ICCA Bar Course Entry Qualifications (Recognition of Equivalent Qualifications)**

- 7.4 The ICCA will consider applications for recognition of equivalent qualifications from previous study with a recognised educational organisation which has been formally assessed and certified, towards meeting the entry criteria of the ICCA Bar Course.
- 7.5 Applicants are expected to have obtained an undergraduate degree at the point of enrolment. The typical minimum entry requirements are an Upper Second-Class degree (2:1) or equivalent in an acceptable Law Degree (QLD), or other degree with a Graduate Diploma in Law (GDL) at Commendation or above. The ICCA will accept applicants with a wide range of equivalent qualifications on to the course, including international equivalencies.
- 7.6 All RPL applications will be assessed as part of the standard admissions process against the advertised entry requirements for the ICCA Bar Course and in accordance with the Admissions Policy.

### **Applications for RPL in respect of Part One modules**

- 7.7 Applicants who can provide a valid transcript from a recognised bar vocational training Provider or Authorised Education and Training Organisation (AETO) demonstrating

achievement in the Criminal Litigation, Evidence and Sentencing and/or Civil Litigation, Evidence and Alternative Dispute Resolution modules can apply for exemption from either or both of the corresponding ICCA Part One modules and credit transfer towards Part Two (see 13.2). The ICCA requires achievement on either or both modules to be within three years of the applicant's anticipated start date with the ICCA.

## Applications for RPL in respect of Part Two modules

- 7.8 The ICCA does not recognise RPL towards credit for any of the modules on Part Two of the ICCA Bar Course.

## Recognition of Prior Experience Learning

- 7.9 Recognition of Prior Experience Learning (REPL) is non-certified acquisition of relevant skills and knowledge, gained through relevant work experience which can be assessed, and retrospective certification or credit applied. The ICCA does not recognise REPL in respect of entry criteria or towards credit for any of the modules on the ICCA Bar Course.

## Enrolment

### **8 Deadlines for enrolment on the ICCA Bar Course must be met. Enrolment beyond these deadlines is at the discretion of the ICCA.**

- 8.1 Enrolment includes fulfilling the academic and regulatory requirements relating to the Bar Professional Training Course as specified in the Admissions Policy and the Entrance Criteria.

## Part One Enrolment

- 8.2 Each student is required to enrol on Part One of the ICCA Bar Course. Enrolment for Part One is via an online portal. Access details and enrolment dates will be provided to each student in their notification of offer of admission to the ICCA Bar Course (offer notification).
- 8.3 Completion of online enrolment and ID verification must take place on the appointed enrolment date(s) specified in a student's offer notification.
- 8.4 Part One of the ICCA Bar Course is an online learning and study programme requiring neither physical attendance nor any specific geographical location for access to teaching and study materials.
- 8.5 To achieve success on Part One of the ICCA Bar Course students are expected to undertake 400 hours of learning. This includes not only online learning hours, but also preparation for these, private reading and study, and the completion of formative assessment tasks and revision.
- 8.6 Students will receive a recommended pace and programme of study for Part One to assist with planning individual progression.

## **Part Two Enrolment**

- 8.7 Enrolment for Part Two of the ICCA Bar Course will take place in person at the designated premises of the ICCA. Enrolment dates and details will be provided to each student upon successful completion of Part One of the ICCA Bar Course.
- 8.8 Completion of online enrolment and ID verification must take place on the appointed enrolment date(s) specified in a notification to the student. Enrolment will typically take place during the induction week at the commencement of Part Two of the ICCA Bar Course.
- 8.9 Part Two of the ICCA Bar Course is a full-time learning and study programme. Students cannot enrol for part-time study on Part Two of the ICCA Bar Course.
- 8.10 To achieve success on Part Two of the ICCA Bar Course students are expected to undertake a further 800 hours of learning following the successful completion of 400 hours of learning from Part One. This includes all blended learning hours, preparation for small group sessions, private reading and study, and the completion of formative and summative assessment tasks and revision.
- 8.11 Enrolment on Part Two is not permitted unless Part One of the ICCA Bar Course has been successfully completed in accordance with these Regulations or the ICCA has approved an application for Recognition of Prior Learning towards Part One and offered admission to Part Two of the ICCA Bar Course.
- 8.12 Enrolment on Part Two includes clearance of any financial debts to the ICCA.

## **Concurrent Enrolment with another Authorised Education and Training Organisation (AETO)**

- 8.13 Enrolment onto Part One or Part Two of the ICCA Bar Course is not permitted to any student concurrently enrolled on an equivalent course providing the vocational component of bar training with another AETO.

## **Concurrent Enrolment with the ICCA**

- 8.14 No student may enrol concurrently on both Part One and Part Two of the ICCA Bar Course.

## **Contact Details for All Students**

- 8.15 The primary email address for all registered students shall be the ICCA email address issued at enrolment. Students are responsible for ensuring that they regularly check their ICCA email account.
- 8.16 It is the responsibility of all students to keep the ICCA informed of their current home and term-time address at all times.
- 8.17 All correspondence sent to students by the ICCA using the contact details on their record shall be deemed to have been received by the student concerned, unless proof of non-delivery is subsequently provided.



## Attendance and Progression Monitoring

- 9 Students must meet the attendance requirements of the ICCA Bar Course. There is no physical attendance on Part One of the ICCA Bar Course, save for summative assessments
- 9.1 As an online learning and study programme, Part One of the ICCA Bar Course does not require or allow for physical attendance at the ICCA's learning and teaching facilities. Attendance at an approved assessment centre is required for the completion of Part One assessments. The ICCA will arrange for the hosting of centralised assessments at a number of locations in the United Kingdom, depending on need. Any application by a student to sit the centralised assessments at an overseas location will be considered on the merits of the individual application and will, in any event, be granted only in exceptional circumstances.

### Part Two Attendance Requirements

- 9.2 Part Two of the ICCA Bar Course is a full-time learning and study programme requiring student attendance at ICCA designated teaching facilities in London, United Kingdom. Students must attend Large Group Sessions, Small Group Sessions, formative and summative assessments and any such other Bar Course-related activities as required in the programme and module specification and individual student timetables. The minimum attendance requirement on Part Two of the ICCA Bar Course is 80% of **compulsory** teaching and learning sessions (timetabled Large Group Sessions and Small Group Sessions). Students whose attendance falls below this attendance requirement are ineligible for summative assessment. Part Two assessments will be taken by students in London and cannot be taken overseas.

### Absence from Part Two of the ICCA Bar Course

- 9.3 Part Two students who are absent from classes or formative assessments or any required activity must report the absence to the ICCA in accordance the absence notification requirements on the ICCA Virtual Learning Environment (VLE) and in the ICCA Student Handbook.

### Absence from Summative Assessments on Parts One and Two of the ICCA Bar Course

- 9.4 Students who are absent from a summative assessment or unable to meet a summative assessment deadline due to illness or other good reason must comply with the Mitigating Circumstances Procedure. Failure to attend or submit summative assessment will result in a mark of zero being recorded.

### Progression Monitoring

- 9.5 Throughout the ICCA Bar Course, the ICCA employs student progress systems to monitor both academic progress and achievement of Professional Statement competences and to indicate at an early stage when students are at risk of failing to meet learning outcomes and competences through poor performance or attendance.

- 9.6 Students perceived to be failing to meet intended learning outcomes and competences will be contacted, in the first instance, by their Personal Tutor. Where the student's progress continues to be a cause for concern the ICCA Bar Course Leader will implement the procedures set out in the ICCA Student Attendance and Engagement Policy.

## Periods of Registration and Interruption

- 10 Part Two of the ICCA Bar Course shall be a continuous period of study unless an interruption has been permitted and students must adhere to the requirements of minimum and maximum periods of registration following commencement of Part One.

### Interruption of Studies

- 10.1 Students may apply for an interruption of Studies on grounds of illness or other adequate cause, provided that any one period of interruption does not exceed one year and that the total duration of the student's programme of study (encompassing Part one and Part Two of the ICCA Bar Course), including any interruption, does not exceed the maximum permissible period specified for the award. The Interruption of Studies procedure is accessible to students via the ICCA Virtual Learning Environment (VLE) and in the ICCA Student Handbook.
- 10.2 Part Two students who are required to obtain a short-term study visa in order to undertake Part Two of the ICCA Bar Course should be aware that visa requirements may restrict their ability to return to the course if they interrupt their studies following enrollment on Part Two. Such students may be at risk of being refused a further short-term study visa on the following grounds:
- (a) **successive use of the route** if, for example, the student is seeking a second period of 6 months leave under the short-term study route where less than 2 months have passed since they last visited the UK for the purposes of short-term study;
  - (b) **frequent use of the route** if, for example, the student is applying for in excess of 5 periods of 6 months leave under short-term study within a 5-year period.

It is the student's responsibility to ensure that they have any necessary permission to study in the UK before arranging to recommence Part Two of the ICCA Bar Course after a period of interruption.

### ICCA Maximum Registration Period

- 10.3 When a student commences the ICCA Bar Course their anticipated completion date is within that same academic year. For these purposes an academic year comprises the cycle of first sit assessments on Part One and Part Two and referred or deferred assessments immediately following such first sit assessments. The ICCA requires that the ICCA Bar Course must normally be completed within a maximum of three years from commencement of Part One. For students who have documented mitigating circumstances that have been accepted through the ICCA's usual mitigating circumstances procedures, and who are still within the maximum number of sits

permitted, the ICCA maximum time limit may be exceeded at the discretion of the ICCA Bar Course Leader to the next available sit only.

- 10.4 The Bar Standards Board requires that all candidates studying the vocational component must pass assessments in all subjects within five years of the date of enrolment in order to be called to the Bar. The ICCA Bar Course Leader cannot use his or her discretion under 10.3, above, to extend the ICCA maximum time limit beyond this five-year period.

## Maximum period between Parts One and Part Two

- 10.5 A student who achieves success in Part One of the ICCA Bar Course shall not be permitted to commence Part Two of the ICCA Bar Course unless they are able to complete Part Two within the maximum time limit of three years from commencement of Part One as referred to at 10.3, above. For this reason, a student wishing to proceed to Part Two must nominate a Part Two commencement date to enable completion of the ICCA Bar Course within this time limit.

## Transfer of Registration

### **11 Students may transfer registration to another AETO under certain conditions.**

- 11.1 Transferring registration to a bar training course provided by another AETO is permissible, with the agreement of the ICCA and the other AETO involved, where there are good academic grounds in support of the transfer or other good cause.

## ICCA Bar Course Module Specification and Credit Levels and Values

- 12 The ICCA Bar Course is required to have a published module specification, a credit level and credit value.

### Credit Levels and Values

- 12.1 The ICCA Bar Course will be assigned to Level 7 of [the framework for higher education qualifications of UK degree awarding bodies](#) by the ICCA and its validating academic partner King's College London.
- 12.2 The ICCA Bar Course is a Level 7 Programme of 120 credits leading to the award of Postgraduate Diploma in Bar Practice (PGDip) from King's College, London (KCL).
- 12.3 The ICCA Bar Course comprises 40 credits at Level 7 for Part One and 80 credits at Level 7 for Part Two. The credit volume structure for the Part Two modules is in multiples of 2, ranging from 10 to 14 credits for each Part Two module.

### Programme Specification and Credits

- 12.4 The ICCA Bar Course has a programme specification which is approved by the ICCA and KCL as part of the programme approval procedure and updated on an annual basis.

- 12.5 The programme specification will indicate the combination of modules that the student will have to take and pass and at what level (the credit tariff) in order to satisfy the examiners of the award.
- 12.6 The programme specification will also indicate any additional non-credit requirements necessary to meet the requirements for award.
- 12.7 The ICCA Bar Course must comply with the criteria established by the ICCA Education Committee and all questions related to the modification of programmes of study shall be referred to the Education Committee.
- 12.8 Amendments to the ICCA Bar Course Academic Regulations will not normally be introduced during an academic year. For these purposes an academic year is the period from 1 September to 31 August of the following year. Unless otherwise published, programme regulations are contained within programme specifications published on the ICCA website and/or VLE.
- 12.9 The ICCA Bar Course and its associated modules and regulations must be approved by the ICCA in accordance with the procedures agreed by the Board of Governors and/or its sub-committees and must conform to the criteria established for the ICCA Bar Course programme of study before the programme may be offered. The regulations for the programme of study must specify which, if any, modules or combinations of modules must be passed before a student is eligible for the award.
- 12.10 The regulations for each programme of study shall specify the duration of the programme and shall also specify the minimum period of study for the award and the maximum period for which credit for the award may be counted. The period of study shall normally be continuous unless the otherwise permitted in accordance with these regulations.

## **Equality and Diversity**

- 12.11 The ICCA will have due regard to its duties under the Equality Act 2010 and conduct equality impact assessments before making major changes to any programmes. The ICCA ensures that students and staff are aware of the Equality and Diversity Policy which will be published on the ICCA website/VLE and available from the ICCA administrative office.
- 12.12 The principles of equality and diversity are embedded in admissions processes, course design and delivery, and staff are provided with appropriate equality and diversity and/or cultural awareness training. The ICCA will use its own and BSB data on student performance to identify any equality and diversity issues to be explored.

## **Progression Requirements**

- 13 Minimum progression requirements apply to progress from Part One to Part Two of the ICCA Bar Course.
- 13.1 The progression requirements for the ICCA Bar Course will be listed in the programme specification.

- 13.2 The minimum progression requirements to enable a student to progress from Part One to Part Two of the ICCA Bar Course is 40 credits at Level 7 on Part One (which shall be achieved on successful completion of all Part One assessments at the first or second sit) such credits to be transferred towards the final award of Postgraduate Diploma in Bar Practice (PGDip) by King's College London and recognised as prior learning by King's College London as the ICCA's validating academic partner.
- 13.3 The BSB sets the standard for the pass mark for the centralised assessments, details about which can be accessed via the BSB website pertaining to centralised assessments, marking and results.
- 13.4 Progression to Part Two is subject to time limits for the purpose of preventing students progressing to the pupillage or work-based learning component of Bar training (usually fulfilled by pupillage) with stale or outdated knowledge (see 10).

## **Awarding of credit**

- 14 To be awarded credit the whole module must be passed.
- 14.1 In order to complete and gain credit for the modules on Part One of the ICCA Bar Course a student must pass, to the standard prescribed by the BSB, the corresponding assessments for those modules. In order to complete a module and gain credit for that module on Part Two of the ICCA Bar Course a student must undertake the prescribed period of study and pass all module assessments to the standard prescribed by the ICCA, and satisfy any other conditions which may be set out by the ICCA.
- 14.2 Credits for individual modules on the ICCA Bar Course shall be set out in the Programme and Module Specification. Credit for a module cannot be divided.

## **Fee Payment Terms and Conditions**

- 15 Fees are payable in accordance with these Regulations and those fees applicable to Parts One and Two as published on the ICCA website. The payment of the correct fees is the responsibility of the student.

## **Setting and Publication of Tuition Fees**

- 15.1 Fees are set, reviewed and published by the Finance and Operations Committee of the ICCA. Fees and payment instructions will be published in the online prospectus and will be included in the offer letter to each student.

## **Deposits**

- 15.2 No deposit is payable by any student who accepts an offer of admission to the ICCA Bar Course.

## **Part One Fees**

- 15.3 The fee for Part One of the ICCA Bar Course shall be payable on enrolment in accordance with the enrolment instructions published on the ICCA website.

## Part Two Fees

- 15.4 There shall be no fee payable for Part Two of the ICCA Bar Course until the successful completion of Part One.
- 15.5 A student who discontinues the ICCA Bar Course during Part One or following completion of Part One, either due to failing Part One or otherwise choosing not to continue to Part Two, shall not be liable for Part Two fees.
- 15.6 The fee for Part Two of the ICCA Bar Course shall be payable either in full on enrolment or in equal instalments in accordance with the enrolment instructions as published on the ICCA website. Payment for Part Two of the ICCA Bar Course is as follows:
- a) Payment in full on enrolment; or
  - b) 50% at enrolment and the balancing 50% of the fee at the mid-way point of the Part Two course; or
  - c) 25% at enrolment and the balance of the fee in three equal instalments of 25% at monthly intervals thereafter.

No additional fees or interest will be incurred by those who prefer to stagger the payment of their fees.

## Cancellation and Refunds

- 15.7 Part One Students have a right to cancel their registration on Part One within 14 days of enrolment. A student's right to cancel is in accordance with the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and permits a student a 'cooling off' period of 14 days to make a decision as to whether or not they wish to proceed with Part One of the ICCA Bar Course. A student who wishes to cancel must contact the ICCA Finance Department within 14 days of enrolment in accordance with the information on the ICCA website Part One enrolment pages. Following cancellation in accordance with these Regulations and the instructions on the ICCA website, the ICCA will cancel registration and refund the Part One Course fees within 14 days.
- 15.8 In the event of cancellation in accordance with 15.7, the ICCA shall not be responsible for any additional costs incurred by the student (see 15.26).
- 15.9 The ICCA shall allow for fee refunds on Part Two of the ICCA Bar Course as follows:
- a) If a student has paid the entirety of the Part Two fee on enrolment but chooses to discontinue their studies before the mid-point of the course (which shall be the final weekday of the tenth week of Part Two of the ICCA Bar Course), they will be refunded 50% of their fees.
  - b) A student who has chosen to pay their fees in instalments as provided for in 15.6 (b) or (c), above, but chooses to discontinue their studies before the mid-point of the course will be liable for the first 50% of their fees but will not be liable for the balancing 50% of the Part Two fee. No refund shall be available to any such student who withdraws from the course after the mid-point (i.e. the final weekday of the tenth week of Part Two of the ICCA Bar Course).

- 15.10 No refunds shall be payable to students after enrolment on Part One after the statutory 14-day 'cooling off' period referred to at 15.7, whether or not the student successfully completes Part One.
- 15.11 A student whose registration is terminated in accordance with these regulations through misconduct or otherwise shall not be entitled to any refund of fees.

## **Awards and Financial Hardship**

- 15.12 The ICCA does not offer scholarships, awards or bursaries but does operate a Hardship Fund. Students experiencing difficulty in meeting fees due to financial hardship, or otherwise, must contact the ICCA Registry Services Manager as soon as possible and any application for financial assistance will be considered on a case-by-case basis.

## **Interest and Collection Charges for Unpaid Fees**

- 15.13 The ICCA reserves the right to charge interest at the Bank of England base rate, to pass on commission fees incurred as a result of instructing a third-party collection agent and to take legal action, through the courts, to recover any outstanding debts. For the avoidance of doubt, suspensions and cancellation of registration related to debt will only be imposed for the non-payment of debts for tuition fees or tuition-related fees.

## **Payments by Cheque**

- 15.14 All cheques must be made payable to the Council of the Inns of Court. The ICCA reserves the right to charge an administration fee in respect of dishonoured cheques.

## **Outstanding Fees**

- 15.15 A student who has not settled all outstanding debts for tuition or tuition-related fees will be sent a notification of impending suspension and given 14 days to make full payment. With immediate effect:
- a) access to the VLE will be restricted;
  - b) coursework/assessment results will not be ratified by the Examinations Board;
  - c) coursework/assessment results (including individual module marks; ICCA Bar Course classification; King's College London PGDip award) will not be released to the student and such results will not be released to any third party, including the Inns;
  - d) the student will not be permitted to graduate or re-enrol.
- 15.16 Until such time as they are formally suspended, a student, who has received a notification of impending suspension, will be required to sit assessments/submit coursework but will not have indicative or formative assessment marks released, nor have the marks for any assessment taken ratified by the Examinations Board.
- 15.17 A student who fails to make payment within the 14 days of the notification of impending suspension will be sent a letter by the ICCA informing them that they have been formally suspended. In addition to the above restrictions, the act of suspension from the ICCA means a total prohibition on attendance at or access to the ICCA, including its teaching facilities and the student:



- a) will not be permitted to sit assessments/submit coursework;
  - b) will not be permitted to use computing facilities or services;
  - c) will not be permitted to attend classes;
  - d) will not be permitted to access Student Records.
- 15.18 A student who misses an assessment deadline as a result of suspension under the above will not be considered to have attempted that assessment. Students who subsequently have their suspension lifted will be permitted to sit the assessment at the next available opportunity without further penalty.
- 15.19 Where a student misses a coursework deadline as a result of suspension but subsequently has their suspension lifted, the ICCA shall exercise its discretion to determine the most reasonable course of action to enable the student to proceed with their studies.
- 15.20 Any period of suspension where the suspension is subsequently lifted will not count towards the student's period of registration for the purposes of 10.2 of these Regulations (Maximum Period of Registration) but such a period of suspension will count towards the Bar Standards Board's longstop period of five years in which students are required to pass assessments in all modules in order to be called to the Bar (see 10.4).
- 15.21 Students who take an assessment and/or submit coursework but are subsequently suspended will not have their marks released nor their marks ratified in accordance with the above. Should the student subsequently have their suspension lifted, their marks will be released, and consideration of their results should follow as soon as possible (including by Chair's action if no meeting of the Examinations Board is scheduled to take place within a reasonable timeframe), unless the student's registration has been cancelled as below.
- 15.22 A student who is suspended under the above may have their ICCA registration cancelled after 14 days' written notice. They will have an opportunity to discuss any unpaid charges with a member of the Finance Department of the ICCA.
- 15.23 Students whose registration is cancelled under the above remain liable for payment of fees owing. Students who subsequently pay the outstanding sums must re-apply to re-enrol on the ICCA Bar Course. Acceptance on to the programme and accreditation of previous study will be subject to the admissions requirements of the ICCA applicable at the time of re-application.
- 15.24 A student who withdraws or interrupts from the programme may be charged pro rata tuition fees to the date of withdrawal or interruption and is required to pay the sum owing within 14 days of the date of invoice.
- 15.25 Students who have not settled all outstanding debts for tuition or tuition-related fees shall not have results released to them (including individual module marks; ICCA Bar Course classification; King's College London PGDip award), nor will any such results shall be released to any third party, including the Inns of Court.



## Additional Costs for Students

- 15.26 In addition to the ICCA course fees applicable to Part One, students admitted to Part One of the ICCA Bar Course are responsible for:
- a) the cost of the Bar Course Aptitude Test (BCAT);
  - b) Costs associated with joining an Inn as a student member, Inns' qualifying sessions and activities specifically organised by the Inns.
- 15.27 The BCAT is required by the BSB for Admission to the ICCA Bar Course (see the Entry Criteria for details) and is administered by the BSB and not the ICCA.
- 15.28 Student membership of an Inn is distinct from admission as a student to the ICCA Bar Course. All costs associated with Inn membership, call to the Bar, Qualifying Sessions and other activities of the Inns (not specifically included within the ICCA Bar Course) shall be the responsibility of the student and not of the ICCA.

## ICCA Calendar

- 16 The ICCA Bar Course runs in two independent cycles commencing in August and January of each year.
- 16.1 The ICCA Bar Course cycles for each student cohort are as follows:
- a) Cycle 1 – Part One September; Part Two March of the following year;
  - b) Cycle 2 – Part One January; Part Two September
- 16.2 A timetable and study planner for each student cohort shall be accessible on the ICCA website and/or VLE.

## Learning and Teaching Facilities

- 17 The ICCA will ensure that its learning and teaching facilities are appropriate to achieve the outcomes necessary to the ICCA Bar Course and the level of the award. The ICCA Bar Course is validated by King's College London, however, ICCA students are not registered as students of King's College London and are not entitled to use any services or facilities of King's College London other than where specifically stated in these Academic Regulations or associated Policies.

## ICCA Bar Course Part Two Staffing

- 17.1 The ICCA is committed to providing a high-quality learning and teaching experience to all students and shall ensure that staff are employed on all academic and administrative tasks sufficient to enable them to achieve those learning outcomes in the programme and module specification.
- 17.2 All staff will be qualified to perform their role and will keep up to date with areas of professional development relevant to their role, in line with the staff development policy of the ICCA. Such CPD includes subject matter expertise, student well-being and equality

and diversity training. The ICCA has a Teaching and Learning Strategy (T&LS) which sets out the ICCA's initiatives and Guiding Principles.

## **Class sizes**

- 17.3 The size of taught groups on Part Two of the ICCA Bar Course will be appropriate to the skills session being taught and the type of activity involved. The ICCA will teach in small groups, usually comprising no more than 6 students, for the teaching of advocacy and conference skills where interaction with every student in the group is fundamental to delivery and individual feedback is part of the session. The ICCA will teach in larger groups, usually comprising no more than 12 students, for Opinion Writing and Drafting skills courses which are better suited for delivery of knowledge and demonstrations but where interaction is more limited.

## **Virtual Learning Environment**

- 17.4 The ICCA will employ a virtual learning environment (VLE) for all Bar Course students appropriate for delivery of the programme module information and skills. All teaching on Part One of the ICCA Bar Course will be via the VLE. Part Two students will have access to the VLE to gain access to teaching and study materials other than provided in taught classes other activities.

## **ICCA Bar Course Administration and IT**

- 17.5 The ICCA has a dedicated Registry Services Team to support ICCA Bar Course students.
- 17.6 The ICCA provides technical IT support to staff. Students are expected to use their own IT. Where IT systems and internet access are used within the Inns' libraries or other study space, support is available through the Inns' IT departments. Students with specific accessibility requirements will be dealt with on a case-by-case basis and software and hardware support may be made available. An online and telephone helpdesk will be available to support VLE users.

## **Library and Legal Research Facilities**

- 17.7 Students who are student members of an Inn may normally use the library facilities of the Inns. The ICCA does not otherwise provide library facilities to Part One students.
- 17.8 The ICCA provides access via the VLE, to online library and research facilities for Part Two students.

## **Teaching Accommodation and Facilities**

### **ICCA Bar Course Part One**

- 17.9 Part One of the ICCA Bar Course is an online course of study designed to enable students to achieve those learning outcomes and competences in the programme and module specification of Part One without an attendance requirement.
- 17.10 Part One students shall be provided access to a Virtual Learning Environment (VLE) and to such other online facilities as deemed appropriate by the ICCA to enable students to

achieve those learning outcomes and competences in the programme and module specification of Part One.

## **ICCA Bar Course Part Two**

- 17.11 Part Two students will have access to a VLE and to teaching accommodation and facilities appropriate to enable students to achieve those learning outcomes and competences in the programme and module specification of Part Two.
- 17.12 The ICCA has teaching spaces appropriate for the Bar Course including:
- a) appropriate acoustics and sight lines for the purpose of teaching those skills within the Part Two programme and module specification;
  - b) audio and video recording equipment for skills sessions to be recorded and made available to students outside of classroom sessions;
  - c) facilities to display learning and teaching materials to enhance the student experience.

## **Personal Tutors, Pastoral support and Counselling Services**

- 17.13 Students on Part One of the ICCA Bar Course will be allocated a designated Personal Tutor to provide pastoral support and guidance. Students on Part Two of the ICCA Bar Course will be allocated a designated Personal Tutor to provide pastoral support and academic advice on issues including:
- a) study skills;
  - b) assessments technique;
  - c) contacting staff;
  - d) withdrawal and deferral;
  - e) appeals.
- 17.14 Counselling services and information about how to access them will be available to each student via the ICCA website and/or VLE. Students may also contact their designated Personal Tutor to receive information on how to access these services. The ICCA will provide a clear referral process. Students should refer to the Wellbeing section of the ICCA Student Handbook.

## **Support for Students with a Disability**

- 17.15 The ICCA will make all reasonable adjustments to accommodate students with a disability.
- 17.16 The ICCA will provide clear and accessible procedures to identify and evaluate support requirements for any student with a disability. Further details are contained within the enrolment sections on the ICCA website/VLE and in the ICCA Student Handbook.

## **Learning Support**

- 17.17 The ICCA will accommodate and assist students with learning support needs to provide an environment that gives all students an equal opportunity for learning and studying at the ICCA.

- 17.18 Students with a diagnosed Specific Learning Difficulty (SpLD) or a medical condition (including mental health), that may affect learning and studying at the ICCA, can apply for learning support by way of a Learning Support Agreement in accordance with information published in the ICCA Student Handbook.
- 17.19 Students may also apply for Personalised Assessments Arrangements (PAA) to assist with summative assessments at the ICCA (see 34 below) in accordance with the Personalised Assessments Arrangements Procedure.

## Careers Advice and Pro Bono Opportunities

- 17.20 The ICCA will provide students with a Careers Service, including guidance on pupillage applications and interviews, pursuing a career at the Bar and alternative career choices where transferable skills from the ICCA Bar Course are identified. This service will be available to all students for the entire period during which they are enrolled as a student on the ICCA Bar Course. Students who complete Part Two of the ICCA Bar Course will also be able to access the ICCA Careers service for a period of one year after the termination of their studies at the ICCA, irrespective of whether they passed or failed the Bar Course. Details of the careers services available are contained in the ICCA Student Handbook and on the ICCA website and/or VLE.
- 17.21 The ICCA will provide students with information about opportunities for undertaking Pro Bono activities, including the value of these activities in enhancing their vocational development and employability.

## Destinations Data

- 17.22 The ICCA will use best endeavours to collect meaningful destinations data from graduates for up to five years after graduation and encourages former students to provide such data.

## Assessment

- 18 The purpose of assessment is to allow candidates to demonstrate the Competences set out in the Professional Statement.
- 18.1 The course contains two types of assessment: formative and summative.
- Formative assessment is employed for student development and does not count towards the final mark or classification. The ICCA is responsible for setting and marking formative assessments and shall give feedback to enable student improvement and progression.
  - Summative assessments shall all count towards the final mark and classification awarded on the ICCA Bar Course and the award of the King's College London Postgraduate Diploma.
- 18.2 Each summative assessment will be preceded by at least one formative assessment on which students must receive individual tutor feedback.

- 18.3 It will be clearly communicated to students which assessments are formative and which are summative.
- 18.4 Unless otherwise specified, references to assessments below are to summative assessments.
- 18.5 Students are normally required to complete the ICCA Bar Course within the ICCA maximum registration period of three years (see 10.3, above). Students must, in any event, meet the requirement set by the Bar Standards Board that candidates studying the vocational component must pass assessments in all subjects within five years of the date of enrolment in order to be called to the Bar (see 10.4, above).
- 19 Assessment regulations will conform to the BSB assessment framework. All assessment will be conducted in accordance with the QAA UK Quality Code for Higher Education.

## Register of Students

- 20 Students registered for assessments are expected to be present or submit on the dates specified. Failure to do so may result in a mark of zero.
- 20.1 The ICCA shall maintain an accurate record of enrolled students eligible to take assessments.

## Assessment Timetables

- 20.2 The timetables for the assessments in Part One and Part Two shall be published by the ICCA for each cohort at the commencement of their studies.
- 20.3 Part One assessments are BSB Central Examination Board (CEB) centralised assessments, the dates for which are set in advance by the BSB and not by the ICCA. The BSB will prescribe the number of available sittings in each year.
- 20.4 All assessments in Part Two of the ICCA Bar Course will have dates and deadlines determined by the ICCA.
- 20.5 Assessment dates set by the ICCA will not be indirectly discriminatory and will avoid, wherever possible, clashing with significant religious holidays.

## Assessment Setting and Marking Policy

- 21 The ICCA shall maintain clear and transparent processes for the setting, marking and moderation of assessments on Part Two of the ICCA Bar Course. Details can be found in the ICCA Assessment, Marking and Moderation Policy.

## Part One Assessments

- 21.1 All assessments in Part One of the ICCA Bar Course are centralised assessments. These assessments are set on behalf of the BSB by the Central Examination Board (CEB). The CEB comprises a Chair, teams of examiners (a Chief Examiner and Assistant Chief Examiners for each knowledge area), and senior staff from the BSB. The Chair and the examiners contribute a mix of both academic and practitioner experience. Psychometric and assessment experts support the work of the CEB. The work of the CEB is subject to

oversight by an independent observer. The ICCA takes no part in the setting or marking of centralised assessments.

## Part Two Assessments

- 21.2 The setting, marking and moderation of assessments by the ICCA on Part Two of the ICCA Bar Course shall be conducted in accordance with the ICCA Assessment Setting, Marking and Moderation Policy which contains clear protocols for the following:
- a) the setting and marking of assessments;
  - b) appointment and consultation with external examiners;
  - c) assessment approval by external examiners;
  - d) assistance to external examiners appointed by the BSB;
  - e) consistency between markers
  - f) second marking boundaries;
  - g) consultation with third markers following significant disagreement between first and second markers;
  - h) consultation with external examiners to resolve marking disagreements;
  - i) the finality of external examiners' decisions;
  - j) the prohibition on reusing questions in the Part Two summative assessments within a three-year period);
  - k) to maintain fairness, ensuring questions for examinations and reassessment are similar but neither repeated nor identical;
  - l) the secure storage, delivery and collection of assessment papers and marking material to approved assessment centres and between markers and external examiners;
  - m) the maintenance of appropriate assessment records;
  - n) the use and training of invigilators;
  - o) staff training and development;
  - p) the requirement for assessors to annotate scripts with feedback on errors and areas for improvement to assist the external examiner or moderator by providing a rationale for the mark awarded;
  - q) fairness and consistency of approach between markers;
  - r) clear and outcomes-focused assessment feedback to students;
  - s) ensuring best practice;
  - t) Examination Boards.
- 21.3 The Assessment Setting, Marking and Moderation Policy shall be reviewed annually by the ICCA Education Committee, the ICCA Examinations Board, the regulator, external examiner and any collaborative partner externals.

## Module Assessment Methods

- 22 Modules are assessed by those methods appropriate to the level as set out in the programme and module specification and in accordance with the BSB examination regulatory framework.

## Assessment Component Requirements

- 23 The assessment requirements and weighting of each component of the ICCA Bar Course shall conform to regulatory requirements and are set out in the programme and module specification, available in the ICCA Student Handbook and on the ICCA website and/or VLE. To pass the ICCA Bar Course and achieve the King's College London Postgraduate Diploma award students must pass every assessment.

### No Credit Across Modules

- 23.1 The ICCA does not permit marks gained in one ICCA Bar Course module to be credited towards marks in another module.

### No Compensation for Failure

- 23.2 Under no circumstances may a student's overall performance on the course compensate for partial failure in a module assessment for the ICCA Bar Course. All components of the course must be taken and passed to the requisite standard.

## Confidentiality of Assessment Papers

- 24 Examiners shall preserve the confidentiality of unseen assessment papers until taken by students.
- 24.1 Disclosure of questions in advance of an unseen assessments is an offence and may lead to action being taken under the disciplinary procedures of the ICCA.
- 24.2 Examiners are required to preserve the confidentiality of any individual questions that are intended to be used, or reused, for assessment.
- 24.3 Individual programme regulations may prescribe conditions for assessment where prior disclosure of questions is applicable. In such cases the question papers must be made available to students at the same time.
- 24.4 Examiners will ensure that information relating to assessment is held securely in accordance with relevant ICCA policies and procedures in relation to the processing of personal data.

## Identification of Students

- 25 The identity of students shall be withheld from all examiners of written summative assessments in so far as is practicable until the complete marking process has been conducted.
- 25.1 Members of the ICCA Examinations Board and ICCA Education Committee shall have the right to see the scripts and any other assessed work, including coursework, of any student on an ICCA Bar Course Part Two module.

# Assessment Scripts, Other Written Assignments and Marking

- 26 ICCA Bar Course Part Two marking material including assessment scripts and film recordings and examiners' marking notes of oral assessments are the property of the ICCA and shall be held securely. Answers provided by students in Part One Assessments to Multiple Choice and Single Best Answer Questions are the property of the BSB and are not set by or provided to the ICCA.

## Part One Assessments

- 26.1 Answers provided by students in Part One Assessments to Multiple Choice and Single Best Answer Questions are machine-marked by the BSB and not the ICCA.

## Part Two Assessments

- 26.2 Marking material shall be distributed to Examiners and/or Assessors in accordance with the instructions from the ICCA Education Committee.
- 26.3 Marking material and lists of marks are confidential. Such material may be delivered by hand (including by courier), through 'recorded delivery' or by other secure process. Internal mail arrangements will not be used, unless circumstances prevent all other forms of delivery.
- 26.4 Examiners will make and retain a written copy of mark lists or other assessment details before passing on scripts, etc. to another marker or to the Chair of the Examinations Board.
- 26.5 The ICCA shall ensure that clear processes are maintained to record the delivery and receipt of marking material and lists of marks.
- 26.6 Scripts for written assessments and examiners' marking notes of oral assessments will not be provided to students. However, save where the regulations otherwise provide, scripts and marking notes relating to formative assessments may be returned to students.

## Marking Range

- 27 All Part Two assessments are marked out of 100 in accordance with the specific marking criteria for each Bar Course module as contained in the ICCA Bar Course Programme and Module Specification. Examiners should use the full range of marks.
- 27.1 The specific marking criteria and individual module outcomes are contained in the ICCA Bar Course Programme and Module Specification.

## Red Light Rule and Fatal Flaw

- 28 The 'Red Light Rule' and 'fatal flaw' may be applied in ICCA Bar Course Part Two skills assessments (Advocacy, Opinion Writing (incorporating Legal Research), Drafting,



Conference Skills and Professional Ethics) in accordance with BSB assessment regulations.

- 28.1 The 'Red Light Rule' applies where, even if a student gains an overall pass, they may fail an assessment if their legal, factual or case analysis is so clearly incorrect that it would:
- a) put the interests of the client(s) at risk; and/or
  - b) put the barrister at risk of liability for negligence or a disciplinary finding.
- 28.2 A student may also be deemed to have failed if it is considered that they have committed a 'fatal flaw'. A fatal flaw within the assessment is defined, for these purposes, as
- a) a significant and grave error of law or procedure; and/or
  - b) a failure to meet appropriate standards of professional ethics.

## Scaling of Marks

- 29 The ICCA shall not scale assessment marks for ICCA Bar Course Part Two assessments. The passing standard for Part One centralised assessments may differ between sittings and is the remit of the BSB and not the ICCA.
- 29.1 The mark required to achieve the pass standard in each of the Part One centralised assessments is determined by the BSB Central Examination Board (CEB), and not by the ICCA, at each sitting by a process of standard setting that reflects the difficulty of the questions used in each assessment. The passing standard is the same for every centrally assessed examination, but the mark required to achieve that passing standard may differ between sittings. Best practice for standard setting to determine the pass mark involves a systematic way of gathering value judgements, reaching consensus and expressing that consensus as a single score on a test. The CEB uses test-centered standards. Each candidate's performance is judged solely in relation to the passing standard, irrespective of the performance of the group of examinees on each assessment. The approach of the CEB to setting the passing standard is contained in the BSB Handbook and BSB curriculum and assessment strategy.
- 29.2 Scaling of module marks or final overall scores in Part Two to a predetermined distribution shall not be employed by the ICCA examiners.

## Publication of Assessment Results

- 30 Results of assessments are confidential until the ICCA Examinations Board has met to ratify the results.
- 31 Assessment results will be communicated to all students within a cohort at the same time and in the same manner, once ratified by the Examinations Board.

## Publication of Summative Assessment results

- 31.1 The ICCA does not provide students with provisional marks or results (i.e. post-marking but prior to ratification by the ICCA Examinations Board).

- 31.2 The ICCA will only publish marks/results which have been ratified by the ICCA Examinations Board.
- 31.3 The only occasion when a decision relating to results ratified by the ICCA Examinations Board can be modified is under the provisions of the academic appeals process.
- 31.4 Students will be advised of their marks routinely after the results have been ratified by the ICCA Examinations Board.
- 31.5 The provision of final module results from the ICCA will include whether the result for each module was achieved at the first or second attempt.
- 31.6 The ICCA shall securely maintain records of individual student results for a period of 5 years from completion of the ICCA Bar Course or withdrawal from Part One or Part Two, such period being determined by the period of validity of the qualification as specified in the Bar Qualification Rules in the [BSB Handbook](#).
- 31.7 The assessment marks of individual students may be released on request to Government agencies and Research Councils for the purposes of assessing applications for studentships for postgraduate degrees; to AETOs within the United Kingdom for the purposes of credit transfer; to the BSB for the purpose of compliance with the ICCA's regulatory requirements; to the student's Inn of Court for the purpose of call to the Bar; as otherwise required for regulatory purposes.

## Reassessment/Failure

- 32 Reassessment is not permitted for assessments of any module assessment already passed by students. For a failed assessment, one reassessment opportunity is permitted. The final module mark following reassessment is capped at the relevant pass mark.

## Part One Assessments

- 32.1 A student will not be permitted to enrol on Part Two of the ICCA Bar Course where any Part One module centralised assessment has been failed at both the first sit and the first reassessment attempt (excluding any assessment discounted due to mitigating circumstances). In these circumstances, the student's registration will be terminated.
- 32.2 The final module mark following any reassessment will be capped at the relevant pass mark.
- 32.3 The individual assessment marks will be recorded uncapped on the student administration system but the overall module mark will be capped at the relevant pass mark.
- 32.4 All assessments on Part One of the ICCA Bar Course are centralised assessments set by the BSB's CEB. The dates for centralised assessments are determined by the BSB and normally take place in April, August and December of each calendar year. For this reason, following a first sit assessment failure a candidate may be unable to attempt reassessment in time to meet the enrolment and commencement dates of next available

ICCA Part Two course. A student so affected, who is successful on reassessment, will be permitted to enrol on the next available ICCA Part Two.

- 32.5 For the reasons outlined at 32.4, a student deferring an assessment may be unable to attempt a first assessment or first reassessment in time to meet the enrolment and commencement dates of next available Part Two course. A student so affected who is successful on the first assessment or first reassessment will be permitted to enrol on the next available ICCA Part Two course.

## Part Two Assessments

- 32.6 Where a student fails an assessment of any module in Part Two of the ICCA Bar Course, no more than one reassessment attempt is permitted (excluding any assessment attempt discounted due to successful application by reason of mitigating circumstances).
- 32.7 When a student is reassessed in a module, in no case shall the final module mark be higher than the relevant pass mark. Where the student fails to achieve a pass level for reassessment, the mark of the second assessment attempt will be recorded.
- 32.8 The individual assessment marks will be recorded uncapped on the student administration system but the overall module mark will be capped.
- 32.9 Reassessment shall be held at the next available sitting of that assessment as published on the assessments timetable.
- 32.10 Where a student has exhausted the permitted assessment attempts, and where this would prevent a student successfully completing their programme of study, the student's registration will be terminated.

## Mitigating Circumstances

- 33 The ICCA considers mitigating circumstances as recognisably disruptive or unexpected events beyond the student's control that might have a significant and adverse impact on their academic performance. Marks will never be raised due to mitigating circumstances.
- 33.1 A student who attends, submits or participates in any form of assessment shall be considered by the ICCA to be in a position so to do; that is to say, they do not believe that they are affected by any mitigating circumstances, as defined above, which would have a significant and adverse impact on their academic performance. As such, any result achieved in that assessment will stand, subject to the exception provisions below.
- 33.2 Additionally, for summative assessments requiring attendance for assessment, the ICCA operates a 'Fit to Sit' policy whereby the student declares fitness to sit the assessment, in that they do not believe that they are affected by any mitigating circumstances, as defined above, which would have a significant and adverse impact on their academic performance. If a student self-declares fitness to sit the assessment, a subsequent mitigating circumstances claim will not, subject to the exception provisions at 33.5 to 33.6, below, be taken into consideration and any result achieved in that assessment will stand.

- 33.3 Failure or refusal by a student to sign a 'Fit to Sit' certificate at an assessment shall allow the assessor or invigilator to remove the student from the assessment. The assessment sitting shall stand unless the student is subsequently granted an authorised absence for mitigating circumstances in accordance with these provisions.

## **Absence from summative assessments owing to mitigating circumstances**

- 33.4 At the discretion of the ICCA Examinations Board, a student may be granted an authorised absence from a summative assessment for which they are registered, provided that they submit a mitigating circumstances form prior to ratification of results and not more than 7 calendar days after the date of the assessment or submission deadline. Bona fide supporting evidence must be submitted with the mitigating circumstances form or, providing the mitigating circumstances form has been submitted within the timeframe outlined above, within 21 calendar days of the date of the affected assessment.
- 33.5 Exceptionally, a student who presents themselves for an assessment or submits coursework and/or (where applicable) signed the 'Fit to Sit' certificate may, at the discretion of the ICCA Examinations Board, be retrospectively granted an authorised absence from that assessment provided that they submit evidence of mitigating circumstances normally no more than seven calendar days after the date of the assessment or submission deadline. Bona fide supporting evidence must be submitted with the mitigating circumstances form or within 21 calendar days of the date of the affected assessment.
- 33.6 The mitigating circumstances form and supporting evidence will be reviewed in the first instance by the Dean of the ICCA (or nominee) who will decide whether to recommend to the ICCA Examinations Board that a student be granted an authorised absence.
- 33.7 In exercising their discretion as to whether to recommend that a student be granted an authorised absence, the Dean of the ICCA (or nominee) must be satisfied that the mitigating circumstances would: a) prevent or have prevented the student from sitting the assessment or submitting the assessment within the given timeframe; or b) have or had a significant and adverse impact on the student's performance in the assessment.
- 33.8 Additionally, in considering whether to recommend that a student be granted an authorised absence retrospectively, the Dean of the ICCA (or nominee) must be satisfied that the student has provided a good reason as to:
- a) why they did not follow the mitigating circumstances procedure before they presented themselves for an assessment or submitted coursework; and
  - b) (for assessments requiring attendance) why they signed the 'Fit to Sit' form.
- 33.9 Where the Dean of the ICCA (or nominee) is satisfied that the conditions at 33.4 to 33.8, above, have been met, Dean of the ICCA (or nominee) will recommend to the ICCA Examinations Board that the student be granted an authorised absence from the assessment.

- 33.10 If the Dean of the ICCA (or nominee) decides **not** to recommend to the ICCA Examinations Board that a student should be granted an authorised absence under 33.9, above, the student will have the opportunity to resubmit a mitigation circumstances form, along with any additional evidence, to the Dean of the ICCA within 5 working days of the date that decision was communicated to them. If the resubmission is also rejected, the student has the right to appeal within 20 days of that decision, using the ICCA Academic Appeals Procedure.
- 33.11 Where the Dean of the ICCA (or nominee) does recommend to the ICCA Examinations Board that a student should be granted an authorised absence under 33.9, above, and the ICCA Examinations Board is also satisfied that the conditions at 33.4 to 33.8, above, have been met, the student will be granted an authorised absence from the assessment. The student will be deferred in the assessment and take a replacement assessment at the next available sitting of that assessment.
- 33.12 Where a student is deferred in an assessment and takes a replacement assessment, they will be examined as if for the first time (or second time if the deferred assessment was itself a second attempt) and the mark for the original attempt will not be considered by the Examinations Board.
- 33.13 A student who is absent from an assessment or fails to submit coursework for an assessment for which they are registered, without having been granted authorisation, will be regarded as having attempted the assessment and will be awarded a mark of zero for that assessment.
- 33.14 Where a student has attended assessment at a first and second sit but either are discounted due to mitigating circumstances, an assessment fee is payable for any third or subsequent sit at the discretion of the ICCA. For replacement attempts, the full range of marks shall be used.

## **Late arrivals to invigilated and supervised summative assessments**

- 33.15 Any student who attends an invigilated assessment in respect of the ICCA Bar Course will be required to be seated 10 minutes before the scheduled and published time of commencement of the assessment. Any student who is more than 30 minutes late for an ICCA Bar Course assessment, whether that is a BSB centralised assessment on Part One or any of the supervised written assessments on Part Two, will not be permitted to commence the assessment.
- 33.16 Any student who is late for an invigilated and supervised ICCA Bar Course written assessment, who is permitted to commence the assessment after the start time, but within the first 30 minutes of the assessment, will not be permitted extra time at the end of the assessment.

## **Personalised Assessment Arrangements**

- 34 Students may apply for Personalised Assessment Arrangements (PAA).

- 34.1 Personalised Assessment Arrangements (PAA) provide an environment that gives all students an equal opportunity for assessment.
- 34.2 Students with a diagnosed Specific Learning Difficulty (SpLD) or a medical condition (including mental health) that may affect assessment performance can apply for PAA in accordance with the Personalised Assessments Arrangements Procedure.
- 34.3 All PAA applicants are required to provide supporting evidence confirming their SpLD or medical condition and recommendations. All documents must be dated and signed by their author.
- 34.4 Applications must be made at least 2 calendar months before the assessment for which PAA is sought.
- 34.5 Students with a SpLD or medical condition may also apply for assistance with formative assessments and learning support during their ICCA Bar Course Part Two studies (see Learning Support above and in the ICCA Student Handbook).

## Award

- 35 A student who is deemed by the ICCA to have passed the ICCA Bar Course in accordance with these regulations, will have successfully completed the Vocational Stage of Bar Training and will receive the academic award of a Postgraduate Diploma in Bar Practice (PGDip) from King’s College London. All awards have regard to the provisions of the QAA UK Quality Code for Higher Education.

## ICCA Bar Course Classification and Certification

- 35.1 Failure to successfully complete the ICCA Bar Course will lead to a BSB classification of a fail and a PGDip will not be awarded. No exit awards will be conferred by the ICCA or King’s College London.
- 35.2 Achieving success in the ICCA Bar Course by passing all modules as required by these regulations shall result in a BSB classification of a pass. Subject to 35.3, the ICCA further categorises individual module passes and the overall average mark on Part Two of the ICCA Bar Course in recognition of a student’s level of achievement towards the King’s College London award of Postgraduate Diploma in Bar Practice (PGDip) in accordance with the table below.

Classification of the ICCA	Mark
Pass	60-69
Merit	70-84
Distinction	85-100

- 35.3 A Distinction classification shall be awarded only where a student has passed all assessments at a first attempt (not including a first attempt of an assessment for which

an authorised absence has been granted due to mitigating circumstances) and achieved an overall average mark of 85 or over.

- 35.4 A Merit classification shall be awarded only where:
- a) A student has passed all assessments on Part One and Part Two at a first attempt (not including a first attempt of an assessment for which an authorised absence has been granted due to mitigating circumstances) and has achieved an overall average mark of 70-84 for the modules on Part Two of the course; or
  - b) A student has attempted an assessment at a second attempt in no more than one module on Part One or Part Two (not including any attempt for which an authorised absence has been granted due to mitigating circumstances) and has achieved an overall average mark of 70 or over for modules on Part Two of the course, such overall average mark to be calculated to include only the capped mark for the affected assessment.
- 35.5 The transcript of the ICCA Bar Course shall specify the marks achieved by a student in each ICCA Bar Course module on both Parts One and Two of the course, including whether that mark was achieved at the first or second attempt. Attempts that have been set aside due to mitigating circumstances shall not be included. The transcript shall further specify the PGDip classification for each Part Two module and the overall PGDip classification for that student.

## **King's College London Postgraduate Diploma Award**

- 35.6 A student achieving a classification of pass or above on the ICCA Bar Course shall be entitled to the award of a Postgraduate Diploma in Bar Practice (PGDip) from King's College London and shall be provided with a PGDip certificate from King's College London. Certificates state the name of the college, the qualification and shall carry the signatures of the Principal & President and Chair of the Council.

## **Graduation**

- 35.7 Students who pass the ICCA Bar Course and are awarded a Postgraduate Diploma in Bar Practice from King's College London are entitled to attend a King's College London graduation ceremony, such graduation ceremonies to be notified to students in good time during Part Two of the ICCA Bar Course.

## **Conferment and Revocation of Awards**

- 35.8 The ICCA Examinations Board has the authority to confer and revoke the ICCA Bar Course classification and the King's College London award of Postgraduate Diploma in Bar Practice pursuant to these regulations and acting in conjunction with its validating partner King's College London acting under the Charter and Statutes of King's College London.

## **Conferment**

- 35.9 The ICCA Examinations Board is the sole body having delegated authority to recommend the conferment of the awards for which they are responsible.



## Revocation

- 35.10 The ICCA Bar Course classification and the King's College London award of Postgraduate Diploma in Bar Practice can be revoked and reissued, or revoked in its entirety under the following conditions:
- a) when there is satisfactory proof that there was an administrative error in the award made; or
  - b) when, subsequent to award, the Examinations Board takes into account information which was unavailable at the time its original decision was made; or
  - c) following a recommendation or ruling by the Misconduct Panel established to investigate alleged misconduct. No such recommendation will be made where any decision of the Misconduct Panel is subject to appeal.

## Modification

- 35.11 Except under the provisions of an academic appeal, no decision of a properly convened and constituted ICCA Examinations Board acting within its terms of reference and within the regulations may be modified.

## Academic Appeals

- 36 An academic appeals process is available to students. This cannot be used to challenge academic judgment or discretion.
- 36.1 Other than below, no decision of the ICCA Examinations Board, acting in accordance with ICCA regulations, may be modified.
- 36.2 The appeals process cannot be used to challenge academic judgment; appeals in respect of academic judgment will not be considered.
- 36.3 It is expected that all parties involved in an academic appeal will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, action may be taken under the provisions of the Misconduct Regulations
- 36.4 The ICCA may pause or stop the consideration of any appeal submitted where the student is suspected to be in breach of the Misconduct Regulations and action should be taken under those regulations.
- 36.5 If an appeal contains matters which are subject to the Student Complaints procedure, within these Regulations (see 55), which includes complaints in respect of issues which impact on the student's programme of study leading to a King's College London award (see 55.38), consideration of the appeal may be paused until the complaints process is complete. In such cases, the findings of the complaint investigation may be considered as evidence for the appeal.
- 36.6 Group appeals are permitted. In the first instance a group should raise any issues with the ICCA Bar Course Leader via their student representative or a nominated member of the group. If the matter is not resolved, the nominated student will then submit the appeal and communicate with the ICCA on behalf of the group. Any outcome of an appeal will apply to all members of the group.



## Stage One Appeal

- 36.7 Students should submit a Stage One Appeal Form within 21 days of the release of ratified results. Appeals received after this deadline will only be accepted at the discretion of the ICCA Bar Course Leader.
- 36.8 A student may appeal on either or both of the following grounds:
- a) where there is evidence that assessment(s) may have been adversely affected by mitigating circumstances which the student was unable, or for valid reasons unwilling, to make known before the original decision was reached;
  - b) where there is clear evidence that assessment(s) may have been adversely affected by a significant administrative error on the part of the ICCA or in the conduct of the assessment.
- 36.9 A Stage One appeal may be rejected before forwarding to the ICCA Examinations Board for consideration in the following circumstances:
- a) where the appeal is not made on the correct form, or the form is incomplete;
  - b) where the appeal has been submitted late;
  - c) where, if appealing on ground 36.8(a), there is no independent third-party evidence of the mitigating circumstances; or the evidence provided is not a certified translation;
  - d) where the appeal contains no evidence that either of the grounds for review has been met;
  - e) where the appeal relates to a CEB centralised assessment in Part One of the ICCA Bar Course and the procedures for an enhanced clerical error check and/or a review should have been followed;
  - f) where the appeal is frivolous or vexatious; and/or
  - g) where the appeal does not otherwise fall within the scope of this regulation and should be considered under an alternative regulation.
- 36.10 If the appeal is rejected at this stage a student can contest this decision but is not able to submit additional evidence.
- 36.11 Any contestation must be submitted to the Dean of the ICCA within 7 days of the date of notification of the decision. The Dean of the ICCA will consider whether the decision to reject the appeal was made in accordance with these regulations. If the contestation is accepted, the appeal will be passed to the Examinations Board for consideration. If the contestation is rejected, there are no further opportunities for the appeal to be considered by the ICCA and a Completion of Procedures letter will be sent to the student.
- 36.12 The ICCA Examinations Board will normally consider the appeal and report its decision to the Dean of the ICCA within 42 days of the release of results.
- 36.13 The ICCA Examinations Board will decide whether the grounds for appeal have been met or not. Where the ground(s) have been met, the Board will decide whether to modify or confirm its original decision. Where the ground(s) have not been met, the original decision of the Board stands. The Board may also reject the appeal on any of the filter grounds set out in 36.9, or where the student has challenged academic judgment.

- 36.14 A written statement confirming the decision of the ICCA Examinations Board and the reasons for this will be prepared by the Chair of the said Board. This statement should be sent to the Dean of the ICCA and included in the outcome letter which is sent to the student.

## **Stage Two Appeal**

- 36.15 Students may appeal the decision of the ICCA Examinations Board on any or all of the following grounds:
- a) that there is new evidence that could not have been, or for good reason was not, made available at the time of the Stage One submission and that sufficient evidence remains that the appeal warrants further consideration; and/or
  - b) that evidence can be produced of significant procedural error on the part of the ICCA in considering the appeal, and that sufficient evidence remains that the appeal warrants further consideration; and/or
  - c) giving due consideration to the evidence and representations previously provided, the decision of the ICCA Examinations Board was unreasonable.
- 36.16 Students should submit a Stage Two Appeal Form within 14 days of the Stage One Appeal outcome. Appeals received after this deadline will only be accepted at the discretion of the Dean of the ICCA.
- 36.17 The Dean of the ICCA will normally advise the student in writing of their decision on the appeal request within 42 days of receipt. If it is determined that an appeal should be heard, an ICCA Bar Course Appeal Committee will be arranged in accordance with the Appeal Committee Structure.

## **Stage Two Appeal – Appeal Committee**

- 36.18 The student may be represented at the Appeal Committee by another ICCA student member.
- 36.19 Additionally, the student may be accompanied by a family member or a friend, who will not be able to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter.
- 36.20 If the student is to be represented or accompanied, the name of the person who is to attend with the student must be received in writing by the Dean of the ICCA at least 48 hours in advance of the Appeal Committee. The Chair of the Appeal Committee may accept or reject a request, and their decision will be final. The Chair of the Appeal Committee may refuse to permit a representative, friend or family member to attend where 48 hours' notice has not been received.
- 36.21 Written notice of the Appeal Committee will normally be sent to the student, together with the names of the Appeal Committee members and the Chair, and all documentary evidence, at least 14 days before the Appeal Committee date. Any concerns regarding

documentation or membership of the Appeal Committee should be raised in writing by the student at the earliest opportunity to the Dean of the ICCA.

- 36.22 New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Committee. Should either party wish to submit new evidence this must be done at least seven days before the Committee date. The Chair of the Appeal Committee may accept or reject new evidence, and their decision will be final.
- 36.23 The Appeal Committee shall consider the documentary evidence and invite the student and the ICCA Examinations Board Chair (or their nominee) to give evidence. Other persons shall be asked to attend to give evidence if the Appeal Committee wishes.
- 36.24 The absence of the student or the Chair of the ICCA Examinations Board will not prevent the Appeal Committee from taking place nor invalidate the proceedings. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.
- 36.25 The Appeal Committee will determine whether there is sufficient reason to challenge the Stage One Appeal outcome. If there is sufficient reason, the Appeal Committee can set aside the decision of the ICCA Examinations Board and replace it with one of its own, or it can refer the case back to the ICCA Examinations Board for fresh consideration with commentary. If there is insufficient reason, the appeal will be dismissed, and the outcome of the Stage One Appeal will stand.
- 36.26 Where an appeal is upheld, the Appeal Committee may set aside an attempt at an assignment or module and permit the student to be re-assessed in any specific assessment or specific module, not limited to those listed by the student in their appeal. The Appeal Committee has the discretion to consider other decisions, but these must comply with the ICCA's regulations and the relevant programme requirements.
- 36.27 At the conclusion of the Stage Two Appeals process the student will be sent a Completion of Procedures letter detailing the final outcome of the appeal.

## Office of the Independent Adjudicator

- 36.28 A student who has exhausted all available appeal procedures of the ICCA who remains dissatisfied with its decision may complain to the independent [Office of the Independent Adjudicator](#) (OIA) in accordance with the procedures, time limits and terms of reference of the OIA.

## Enhanced Clerical Error Checks and Reviews of Part One Assessments

- 37 A student may request the BSB to conduct an enhanced clerical error check and/or a review of a decision of the Central Examination Board (CEB) affecting a Part One centralised assessment.

- 37.1 Assessments for all modules in Part One of the ICCA Bar Course are centralised assessments set on behalf of the BSB by the CEB and all multiple-choice assessment answers are machine-marked by the BSB.
- 37.2 The [Centralised Assessments Regulations governing Student Review](#) have been designed for students who wish to clarify the arithmetical transcription of their marks for Part One assessments and/or request a review of a CEB decision which impacts on a cohort of students. Neither process involves a re-mark of the student's assessment paper.
- 37.3 An enhanced clerical error check is a procedure carried out by the BSB to ascertain whether or not there has been any error in the computation, scaling or transcription of a student's marks at the BSB that may have affected the outcome of an assessment.
- 37.4 A review is a procedure which may be followed by a student who has attempted a Part One centralised assessment in respect of a decision taken by the CEB in confirming cohort marks for that centralised assessment on the following grounds: that, in exercising its discretion to confirm cohort marks the CEB acted irrationally and/or in breach of natural justice.
- 37.5 Students wishing to request a review must wait until the Chair of the CEB's report has been published before submitting their request. To find out when the Chair's report is due to be published, candidates can visit the [BSB website](#).
- 37.6 Applications for enhanced clerical error checks and/or reviews shall be conducted by students in accordance with the BSB procedure as contained in the Centralised Assessments Regulations governing Student Review as published on the BSB website. A fee is payable.

## **Interruption, Withdrawal, Suspension, Termination**

### **Standard of Behaviour Expected of Students**

- 38 The standard of behaviour expected of students at the ICCA must be consistent with upholding the good name and reputation of the Bar. As members of the ICCA community, students are expected to adhere to the regulations, procedures, policies and conventions of the ICCA, to show respect for the persons within and for the property of the ICCA community, and to behave in a way that does not interfere with the proper functioning, activities or reputation of the ICCA or its validating academic partner King's College London. Students must take responsibility to familiarise themselves with, and abide by, the rules, regulations and ethical standards required of them while studying the Bar Course at the ICCA.

### **Academic Honesty and Integrity**

- 39 Students at the ICCA must adhere to high standards of honesty and integrity when taking assessments during the ICCA Bar Course.
- 39.1 Students shall not commit Academic Misconduct or Poor Academic Practice.

- 39.2 Academic Misconduct is any act or attempted act whereby a student:
- a) Intends to gain an unfair advantage in an assessment or in the determination of results for an assessment; and/or
  - b) Intends to gain an unfair advantage for another student in an assessment or in the determination of results for an assessment; and/or
  - c) Intends to disadvantage another student in an assessment or in the determination of results for an assessment; and/or which
  - d) Undermines or is capable of undermining the integrity or reputation of the ICCA'S examination and assessment processes and/or the awards of the ICCA and/or its academic validating partner King's College London; and
  - e) Where (in relation to a to d, above) there are no mitigating factors which would lead to the actions of the student to be deemed to be Poor Academic Practice.
- 39.3. An advantage is unfair if it places a student in a position they would or might not be in should the assessment, submission or process have been carried out in accordance with the requirements, instructions or conventions for that assessment and/or otherwise in accordance with the ICCA Regulations and Policies.
- 39.4 Poor Academic Practice is any act or omission by a student amounting to a breach of the requirements, instructions or conventions for that assessment and/or otherwise in accordance with the ICCA Regulations and Policies but where on the part of the student:
- a) No intention to gain an unfair advantage is evident; and
  - b) No identifiable advantage was or may have been gained; and
  - c) The breach was due to carelessness or ineptitude; and
  - d) The breach took place in defensible ignorance of those regulations or conventions.
- 39.5 A second or further determination of Poor Academic Practice shall be treated as Academic Misconduct.
- 39.6 Unless otherwise specified, the regulations of the ICCA and the Student Conduct Policy are concerned with summative assessment. Summative assessment is where the mark contributes to the final award classification as opposed to formative assessment, which summarises the participants' development at a particular time, but does not contribute marks towards the overall ICCA Bar Course classification or PGDip award of King's College London. Misconduct identified as part of formative assessment should be dealt with by an individual tutor or the Course Leader.

## **Inaccurate Enrolment Information**

- 40 If a student is found to have provided untrue or inaccurate information, or to have omitted information at enrolment, registration on the ICCA Bar Course can be terminated immediately and without notice.

## **Precautionary Suspension and Exclusion**

- 41 The Dean may exclude or suspend a student as a precautionary measure, pending the outcome of a disciplinary procedure or on health and safety grounds or on any other ground in the Dean's discretion. A student who is the subject of a misconduct complaint (including a complaint brought against a student by the student's Inn of Court) , or who is

the subject of police investigation or criminal proceedings, may as a precautionary measure be suspended or excluded by the Dean of the ICCA pending the outcome of the investigation or the criminal process, including the outcome of any subsequent appeal. A student may also be suspended or excluded on health and safety grounds, or where they are considered a danger to themselves or other members of the ICCA or the Inns.

- 41.1 Failure to comply with the terms of a suspension or exclusion is an offence of misconduct.
- 41.2 The Dean of the ICCA may delegate emergency powers to the ICCA Bar Course Leader, who will be responsible for reporting any suspensions or exclusions.
- 41.3 Exclusion is selective restriction on attendance at or access to the ICCA and its teaching facilities (including premises and facilities of the Inns) and participation in the activities of the ICCA. Suspension is a total prohibition on attendance at, or access to, the ICCA and its teaching facilities (including premises and facilities of the Inns) and participation in the activities of the ICCA. It may be subject to conditions, such as permission to attend an examination. A suspension will only be used where an exclusion is deemed to be inadequate.
- 41.4 The terms of a suspension or exclusion may include a No Contact Agreement, requiring the student to have no contact with a named person or persons.
- 41.5 Suspensions and exclusions are not penalties; the Dean of the ICCA will only impose such measures when it is urgent and necessary to do so. Written reasons for the decision will be recorded and made available to the student in the letter of suspension or exclusion.
- 41.6 Suspensions and exclusions shall normally start with immediate effect. The reasons for the decision will be communicated to the student in writing, as well as information about their right to submit representations against it. Representations must be submitted within five working days of the suspension or exclusion and will normally be reviewed within a further five working days.
- 41.7 Should the suspension or exclusion remain in place, the Dean of the ICCA will review the suspension or exclusion every 28 days, in the light of any developments, or of any representations made by the student. Reviews of suspensions and exclusions will not involve hearings or meetings.

## **Pending Criminal Proceedings or Criminal Convictions**

- 42 In addition to the requirement to declare relevant criminal convictions and pending criminal proceedings at enrolment, students of the ICCA must inform the Bar Course Leader in writing of any pending criminal proceedings occurring after any enrolment for a Criminal Offence.
- 42.1 Failure to reveal any cautions or convictions for a criminal offence (other than convictions that are 'protected' by law) or pending criminal proceedings will result in misconduct action being taken.

- 42.2 Where a criminal conviction or a breach of these regulations would render the student ineligible to continue on the ICCA Bar Course, the student's registration will be terminated without notice.

## **Misconduct Procedure**

- 43 Where the Dean or any delegated person has reason to believe that the behaviour of a student falls below the expected standards set out herein and/or where the ICCA regulations, procedures, policies or conventions have been breached, the Student Misconduct Procedure set out in the Student Conduct Policy will be instigated. This extends to alleged misconduct by a student occurring on ICCA premises and when using teaching or other facilities provided to them by the ICCA (including premises of the Inns) or off such premises (including via electronic means, such as email and any social media platform) where the alleged victim is the ICCA itself, a member of the ICCA community, or a visitor to the ICCA or to alleged misconduct occurring during ICCA activities.

## **Student Conduct Policy**

- 44 The Student Conduct Policy should be read in conjunction with these regulations and applies to all students studying the ICCA Bar Course. The policy sets out the procedures for investigation, hearings and appeals, and the potential outcomes for misconduct. The policy provides information and examples of misconduct, both academic and non-academic.
- 44.1 The misconduct procedures set out in the Student Conduct Policy shall be followed in all cases of alleged student misconduct. Where there is uncertainty the Dean of the ICCA has authority to determine the procedure that shall apply. Any such decision shall be final and no reasons for the decision will be given.

## **Standard of Proof**

- 45 There will be a presumption of innocence until a case has been fully considered. Cases of misconduct are brought by the ICCA and the standard of proof is the balance of probabilities.

## **Misconduct which is also a Criminal Offence**

- 46 Where the alleged misconduct could also constitute an offence under the criminal law special provisions will apply and the misconduct investigations or proceedings of the ICCA may be delayed until such time as the police and/or courts have completed their investigations and proceedings.
- 47 Students imprisoned for a period of 21 days or more will be automatically withdrawn from the ICCA. Any such student will have the right to submit to appeal any such decision by written representations to the Bar Course Leader against this decision, within 21 days of the date of notification of the decision to withdraw. The ICCA Appeals Committee will consider any such appeal.



## Investigation of Academic Misconduct

- 48 Investigations into allegations of student misconduct shall be conducted in accordance with those provisions set out in the Student Conduct Policy.
- 48.1 The ICCA will ensure all information is managed in a way that is consistent with this guidance, its Academic Regulations and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.

## Misconduct Panel

- 49 The Misconduct Panel procedure shall be set out in the [Student Conduct Policy](#).
- 49.1 The Misconduct Panel is responsible for hearing cases of alleged misconduct for the purposes of:
- a) establishing whether the allegation has been proved against the student on the balance of probabilities;
  - b) determining the appropriate penalty having considered the relevant circumstances of the case, including any aggravating and mitigating circumstances.
- 49.2 The Misconduct Panel shall be constituted of at least three persons, none of whom have taken any part in the investigation of the misconduct complained of, as follows:
- a) a Chair appointed from any of the following:
    - i) an ICCA Governor;
    - ii) Dean of the ICCA;
  - b) an independent Panel Member appointed from the Inns;
  - c) a senior member of the ICCA Bar Course faculty.
- 49.3 A decision of the Panel will be reached by a majority vote of the members present on the Panel but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.

## Decision of Misconduct Panel

- 50 Should the Misconduct Panel decide that the charge was not established, that decision will be communicated to all persons involved in the case.

## Misconduct Outcomes

- 51 Where the Misconduct Panel determines that the charge of Academic Misconduct is established, the Panel will have as its principal aim the protection of the integrity of the reputation, assessment processes and awards of the ICCA and of its validating academic partner King's College London. In deciding upon a permissible outcome, the Panel may take into account all relevant matters. The Student Conduct Policy contains additional information on outcomes. The list of aggravating and mitigating features contained in the policy is not exhaustive.



- 51.1 In accordance with the provisions of the Student Conduct Policy the Bar Course Leader (or nominee) shall have the authority to exercise those powers and determine those outcomes as set out in the Policy.

## Poor Academic Practice

- 51.2 Where the Misconduct Panel determines that the charge of Academic Misconduct is not established but the case is one of Poor Academic Practice, the Panel may decide upon one or more of the measures set out below:
- a) the student shall receive a written warning that any further instance of Poor Academic Practice may result in a referral to a Misconduct Panel. The warning will be held on file for the duration of the student's registration and may be referred to in the event of any further misconduct allegation and by a Misconduct Panel at any subsequent misconduct hearing; and/or
  - b) the student shall be required to undergo any relevant educational training or study with a view to preventing a reoccurrence of the Poor Academic Practice. The Panel may attach such conditions as are proportionate in the circumstances (such as to report to a member of staff at the ICCA to demonstrate that the educational work or study has been carried out).
  - c) If the Panel determines there has been any potential assessment advantage gained in the assessment, such potential advantage will be negated by the assessment being submitted to the marking and moderation process to remove such potential advantage. In the event that the moderated mark amounts to an assessment fail, the student shall be entitled to resit the assessment only if the affected assessment was taken at the first attempt.
- 51.3 A single instance of Poor Academic Practice is not a disciplinary finding against a student, but a recognition that a student has fallen below the academic standards required where there was no intention to gain an advantage. The primary aim of the Panel in these circumstances will be to educate the student to avoid reoccurrence.
- 51.4 In accordance with the provisions of the Student Conduct Policy the Bar Course Leader (or nominee) shall have the authority to exercise those powers as set out in the Policy.

## Academic Misconduct

- 51.5 Where the Misconduct Panel determines that the charge of Academic Misconduct is established the Panel may decide upon one or more of the following measures:
- a) a formal written warning, to be retained on the file of the student at the ICCA until the student completes the ICCA Bar Course;
  - b) the assignment of the minimum pass mark to a paper or papers, or assessed work, or both; or
  - c) the cancellation of the results in an assessment/s and a mark of zero returned with a right to resit the assessment as if for the first time (or if the assessment is itself a second attempt, for the second time);
  - d) the cancellation of the results in an assessment/s and a mark of zero returned with a right to resit the assessment as if for the first time (or if the assessment is itself a

second attempt, for the second time) but with the result capped at the pass mark for that assessment;

- e) a recommendation to the Examinations Board that the student's ICCA Bar Course classification and King's College Postgraduate Diploma (PGDip) award be revoked;
- f) expulsion from the ICCA Bar Course. Readmission will be at the discretion of the Dean of the ICCA based on consideration of the individual student's case;
- g) in all cases of Academic Misconduct, the ICCA shall report its disciplinary findings to the Inn of Court of the student.

## **Non-Assessment Related Misconduct**

- 51.6 Where the Misconduct Panel determines that the charge of Misconduct is established the Panel may decide one or more of the following measures:
- a) a formal written warning, to be retained on the file of the student at the ICCA until the student completes the ICCA Bar Course;
  - b) payment of compensation for damages;
  - c) conditions for the continuation of student status;
  - d) exclusion for a stated period from specified activities or specified parts of the ICCA or its teaching facilities (including facilities of the Inns). Conditions for re-admittance may be specified;
  - e) suspension for an indefinite period, with an agreed review date;
  - f) a recommendation to the ICCA Examinations Board that the student's ICCA Bar Course classification and King's College Postgraduate Diploma (PGDip) award be revoked;
  - g) expulsion from the ICCA. Readmission will be at the discretion of the Dean of the ICCA based on consideration of the individual student's case.
  - h) in all cases, the ICCA shall report its disciplinary findings to the Inn of Court of the student.
- 51.7 The Misconduct Panel may decide that the outcome be imposed immediately or be deferred. The conditions of any such deferment will be clearly stated as part of the decision of the Panel.
- 51.8 The decision and outcome of the Panel will be provided to the student immediately or otherwise normally notified in writing to the student within 7 days of the date of the decision of the Panel.
- 51.9 Where the misconduct hearing arises as a result of a complaint made by another ICCA student relating to the activities of the student towards them (including complaints related to bullying, harassment and discrimination) details of the decision and outcome will also be communicated to the complainant.
- 51.10 A copy of the decision and outcome will be placed on the student's file and may be taken into account in the event of future instances of alleged misconduct (academic or non-academic) or poor academic practice.

## Reporting of Misconduct to the Inns of Court

- 51.11 All cases of Academic Misconduct (excluding a first finding of Poor Academic Practice) and Misconduct shall be reported to a student's Inn of Court in accordance with BSB regulatory requirements. Where there is a disciplinary finding by the ICCA of Academic Misconduct or Misconduct concerning a student on Part One of the ICCA Bar Course who is not yet a member of an Inn, that student shall be under a duty to declare that finding to the Inn in accordance with the admissions regulations and procedures of that Inn. It is a condition of enrolment on Part Two of the ICCA Bar Course that a student joins an Inn of Court prior to enrolment. In addition, the ICCA shall disclose any such finding to the Inn on a request being made by the Inn in accordance with the regulations and procedures of that Inn as part of its admissions process.
- 51.12 Where a student appeals the decision of the Panel in accordance with the appeals procedure below, the disciplinary finding shall not be reported to the Inn until the conclusion of the appeals procedure.
- 51.13 Any request by any student for a 'fit and proper' person reference for Call to the Bar will be checked against internal records of disciplinary offences on both Parts One and Two in deciding if that reference can be authorised. There shall be no obligation on a member of staff of the ICCA to provide a student with a reference for admission to an Inn as a student member or for Call to the Bar and reasons for refusal are not required.

## Withdrawal of Membership of an Inn

- 51.14 Where a student's membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the ICCA Bar Course with immediate effect and their registration shall be terminated. If the student has submitted an appeal against the Inn's decision to withdraw membership, that student shall be suspended from the ICCA Bar Course under the procedure at 41 of these Regulations until such time as the appeal shall be finally determined.

## Appeal from a Misconduct Panel

- 52 Students may appeal the decision of a Misconduct Panel.
- 52.1 Such an appeal may be made on either or both of the following grounds:
- a) there is new evidence that could not have been, or for good reason was not, made available at the time of the Panel, and the case warrants further consideration;
  - b) evidence can be produced of significant procedural error on the part of the ICCA before or during the Panel hearing, and the case warrants further consideration.
- 52.2 The procedure for appealing from a decision of a Misconduct Panel is set out in the Student Conduct Policy. Any such appeal must be submitted within 14 days of the date of the Misconduct Panel outcome. Misconduct Appeal Forms received after this deadline will only be accepted at the discretion of the Dean of the ICCA.
- 52.3 The Dean of the ICCA will normally advise the student of their decision on the appeal within 42 days of receipt. If the appeal is to be heard, an Appeal Committee will be appointed. If the appeal is rejected, reasons will be given.

## Appeal Committee

- 52.4 The Appeal Committee will be constituted of at least three persons as follows:
- (a) a Governor selected by the Board of Governors to Chair this Committee (who must not be the Chair of Governors or the Chair of another Committee);
  - (b) a representative from one of the Inns;
  - (c) an individual appointed by the Board of Governors (who is not otherwise connected to the Board of Governors, COIC or the Inns).

## Appeal Committee procedure

- 52.5 The Appeal Committee procedure shall be set out in the Student Conduct Policy.
- 52.6 The decision of an Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.

## Appeal Committee outcome

- 52.7 The decision and outcome of an Appeal Committee will be given immediately and/or normally will be sent to the student within 7 days of the date of the decision of the Appeal Committee. For assessment-related offences, these will be communicated to the student, ICCA officers as appropriate and the ICCA Examinations Board Chair. For non-assessment related offences, these will be communicated to the student and ICCA officers as appropriate. A copy of the decision and outcome will be placed on the student's file.
- 52.8 The Appeal Committee may reject or uphold the appeal. Where the Appeal Committee upholds the appeal, the Committee may order one or more of the following measures:
- a) modify or reverse the findings of a Misconduct Panel;
  - b) modify or reverse the order of a Misconduct Panel.
- 52.9 Where an Appeal Committee rejects the appeal, the findings and decision of the Misconduct Panel stands.
- 52.10 A decision of an Appeal Committee will be final.

## Termination of Registration for Lack of Attendance or Progression

- 53 On Part Two of the ICCA Bar Course a student's registration may be terminated for failure to meet attendance requirements or make sufficient academic progress.
- 53.1 The ICCA will ensure that students are fully aware of the possible consequences of failure to meet attendance requirements or make sufficient academic progress.
- 53.2 The ICCA may remove any student from registration on Part Two of the ICCA Bar Course for any of the following reasons:

- a) inability to meet the programme requirements;
- b) insufficient attendance;
- c) lack of industry;
- d) lack of ability or aptitude;
- e) persistent failure to respond to ICCA communications or instructions;
- f) for any other good academic cause.

53.3 Before removal, a student should normally receive a written warning specifying the improvements or actions to be undertaken within a specified time frame and stating the consequences of not doing so. The student's personal tutor should also be consulted.

## Appeals against removal on academic grounds

53.4 It is expected that all parties involved in an academic appeal will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, misconduct action may be taken.

53.5 The ICCA may pause or stop the consideration of any appeal submitted where the student is suspected to be in breach of the Misconduct Regulations and action should be taken under those regulations.

53.6 If an appeal contains matters which fall under the Student Complaints Regulations, consideration of the appeal may be paused until the complaints process is complete. In such cases, the findings of the complaint investigation may be considered as evidence for the appeal.

53.7 Students should submit a Progression Appeal Form to the ICCA Bar Course Leader within 14 days of the final notification of removal. Appeals received after this deadline will only be accepted at the discretion of the Dean of the ICCA.

53.8 A student may appeal on either or both of the following grounds:

- a) there is new information which could not have been provided at or before the time the decision to remove was taken, and sufficient evidence remains that the appeal warrants further consideration;
- b) there is evidence of significant administrative or procedural error, including error relating to the written warning to the student and student compliance with the conditions of written notice, made at or before the time the decision to remove was taken, and sufficient evidence remains that the appeal warrants further consideration;

53.9 The Dean of the ICCA will normally advise the student in writing of their decision on the appeal within 42 days of receipt. If it is determined that an appeal should be heard, an Appeal Committee will be arranged, in accordance with these regulations for Appeal Committee Structure.

## Representation

53.10 The student may make a request to be represented the Appeal Committee by another student member of the ICCA.

- 53.11 Additionally, the student may make a request to be accompanied by a family member or a friend, who will not be able to speak on the student's behalf, unless this is a reasonable adjustment consistent with legislation. as a sign language communicator or interpreter.
- 53.12 If the student is to be represented or accompanied, the name of the person who is to attend with the student must be received in writing by the ICCA Bar Course Leader at least 48 hours in advance of the Appeal Committee. The Chair of the Appeal Committee may accept or reject a request, and their decision will be final. The Chair may refuse to permit a representative, friend or family member to attend where 48 hours' notice has not been received.
- 53.13 Written notice of the Appeal Committee will normally be sent to the student, together with the names of the Committee members and the Chair, and all documentary evidence, at least 14 days before the Appeal Committee date. Any concerns regarding documentation or membership of the Committee should be raised in writing by the student at the earliest opportunity to the Bar Course Leader.
- 53.14 New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Committee. Should either party wish to submit new evidence this must be done at least seven days before the Committee date. The Chair of the Appeal Committee may accept or reject new evidence, and their decision will be final.
- 53.15 The Appeal Committee shall consider the documentary evidence and invite the student and the Dean of the ICCA (or nominee) to give evidence. Other persons shall be asked to attend to give evidence if the Appeal Committee wishes.
- 53.16 The absence of the student or the Dean of the ICCA will not prevent the Appeal Committee from taking place nor invalidate the proceedings. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.
- 53.17 The Appeal Committee will determine whether there is sufficient reason to challenge the original decision to withdraw. If there is insufficient reason, the Appeal Committee can set aside the decision and replace it with one of its own, or it can refer the case back for fresh consideration with commentary. If there is insufficient reason, the appeal will be dismissed, and the original decision will stand.
- 53.18 The decision of the Appeal Committee shall normally be communicated in writing by the Dean of the ICCA to the student and the officers of ICCA, within 7 days of the decision of the Appeal Committee.
- 53.19 Students have no automatic right to continue with their studies or to progress to the next stage of their programme pending the outcome of an appeal; the ICCA may exercise their discretion to allow this attendance, if applicable and permitted by the programme regulations.

## **Interruption to Support Wellbeing**

- 54 The ICCA may interrupt a student on the grounds of supporting their wellbeing.

## Student Wellbeing

- 54.1 It is recognised that a student's health or wellbeing can deteriorate during their period of study so as to have a significant effect on their academic studies and/or ability to engage in life at the ICCA. The ICCA aims to support students in such a situation whilst also taking into consideration the safety and wellbeing of other members of the ICCA.
- 54.2 As such, the ICCA will provide a supportive framework to manage, in a sensitive manner, the progress of a student at such a time in their ICCA career. Such progression may result in reintegration and reengagement with the relevant programme, or may result in a required period of interruption, as an option considered to be most supportive for the student concerned.
- 54.3 Before putting into effect a period of interruption, a formal meeting will be convened and chaired by the ICCA Bar Course Leader (or nominee) with the student and relevant parties. A student must have received in writing a clear outline of the structure the meeting will take, the parties who will attend and the potential outcomes of the meeting. The student will receive the relevant advice and support regarding their circumstances and all relevant information will be considered to determine if it is in the student's best interests to interrupt their studies or if there is further opportunity to agree further actions and put additional support in place for the student to continue on the ICCA Bar Course .
- 54.4 It is recognised that individuals are empowered to make decisions about their health and wellbeing. As such, the student will be involved in the decision-making process. The decision to require a student to interrupt their studies can only be taken where the ICCA Bar Course Leader (or nominee) is of the opinion that it is necessary to take such action to support the student's wellbeing. A period of interruption will not be used as a penalty and any decision to interrupt a student without their agreement will only be taken where a risk is identified which cannot be otherwise resolved.
- 54.5 Written reasons for the decision shall be recorded and made available to the student. In the event of a required period of interruption, a date will be agreed to review the student's circumstances prior to resuming their studies.

## Student Complaints

- 55 Complaints from students are carefully considered and, if appropriate, shall be investigated by the ICCA Bar Course Leader.
- 55.1 The ICCA is committed to considering and investigating genuine complaints from students. The ICCA defines a complaint as an expression of dissatisfaction that warrants a response and the associated procedure provides a clear mechanism for that to happen. The ICCA will review what led to the complaint and where appropriate seek an early resolution. Outcomes can also be used to improve services to all members of the ICCA.
- 55.2 The majority of cases are resolved through informal (Stage One) discussions without the need for a formal complaint to be made. To facilitate this, the ICCA emphasises the



importance of seeking a resolution through informal discussions at the earliest opportunity. Where a complaint relates to the provision or delivery of the ICCA Bar Course programme or part of that programme students should normally use their programme representative system (the Student Staff Committee) in the first instance.

- 55.3 Group complaints are permitted. In the first instance a group should raise any issues with the ICCA Bar Course Leader via their student representative, or a nominated member of the group. If the matter is not resolved, the nominated student will submit the complaint and communicate with the ICCA on behalf of the group. The outcome of the complaint will apply to all members of the group.
- 55.4 It is expected that all parties involved in a complaint will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, misconduct action may be taken.
- 55.5 The ICCA may pause or stop consideration of any complaint submitted where the student is suspected to be in breach of the Misconduct Regulations and action should be taken under those regulations.

## Scope

- 55.6 The student complaints procedure can be used for complaints within the following areas, the consequences of which have an alleged adverse effect on the student wishing to complain:
- a) provision or delivery of the ICCA Bar Course programme or parts of the programme;
  - b) inadequate services or facilities of the ICCA;
  - c) decisions, actions or perceived lack of action taken by a member of the ICCA staff;
  - d) decisions, actions or perceived lack of action taken by a central ICCA Registry Services; or a member of staff acting on its behalf;
  - e) complaints relating to discrimination, harassment or bullying.
- 55.7 The Student complaints procedure does not cover the following areas:
- a) complaints arising from action taken under the Misconduct Regulations;
  - b) complaints arising from matters related to academic progression or assessment. Students are referred to the appeals procedures of the respective regulations. Students cannot use the student complaints procedure following an unsuccessful appeal under the regulations listed above;
  - c) complaints relating to the activities of another student (including complaints related to bullying, harassment and discrimination by another student), which will be investigated as allegations of misconduct under Misconduct Regulations and Student Conduct Policy;
  - d) complaints relating to services provided to students by the Inns of Court or by collaborative partners or other organisations involved in the delivery of the student's programme. In such instances, students are referred to the complaints procedure of the Inns or partner organization;
  - e) complaints relating to a student's fee status. Students are referred, in the first instance, to the Registry Services Team.

- 55.8 In certain circumstances complaints may be investigated in conjunction with other departments or with due regard to other ICCA regulations and procedures. If the investigator determines that this would be appropriate, the student shall be informed of this. If a complaint is referred for consideration under another procedure any further action under this regulation shall normally be paused, pending the outcome of the other procedure.
- 55.9 The scope of the Student Complaints Procedure extends to former students of the ICCA, provided that the time limitations at 55.21 and 55.27, below, are observed.

## **Complaints Made Without Foundation (frivolous), in Bad Faith (vexatious) or Anonymously**

- 55.10 Examples of frivolous or vexatious complaints include the following:
- a) complaints which are obsessive, harassing, prolific or repetitive;
  - b) insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
  - c) insistence on pursuing what may be meritorious complaints in an unreasonable manner;
  - d) complaints which are designed to cause disruption or annoyance;
  - e) demands for redress which lack any serious purpose or value.
- 55.11 The ICCA may terminate consideration of a complaint if it considers it to be without foundation or in bad faith. In such instances the ICCA will write to the student to explain why it is terminating consideration of the matter. Where it is found that a student has raised a complaint of this nature, or used false information, the ICCA will consider taking disciplinary action under the Misconduct Regulations. The student will be provided with details of how to appeal against such a decision.
- 55.12 The ICCA will not consider anonymous complaints and complaints received by email will need to be verified.

## **Confidentiality and Record Keeping**

- 55.13 The ICCA will do all in its power to limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.
- 55.14 If a student makes a formal complaint, a record will not be held on their student file but kept securely by the ICCA Bar Course Leader.

## **Victimisation: Declaration of Intent**

- 55.15 Subject to the above, the ICCA undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or life at the ICCA, as a result of action taken to pursue a complaint.

## **Mediation**

- 55.16 At any point during Stage One or Stage Two of this procedure, a student may request mediation. It will be for the ICCA to ascertain whether the complaint is suitable for

mediation, and their decision in this regard is final. If mediation is deemed appropriate, and the other party or parties agree to participate, consideration of the complaint under this procedure will be paused whilst mediation takes place. If mediation is unable to resolve the complaint, consideration of the complaint under this procedure will be resumed.

## **Stage One: Local Informal Resolution**

- 55.17 Complaints should, in the first instance, be raised informally with the relevant person, at the earliest opportunity. Often, this will be the student's Personal Tutor or the Bar Course Leader. If the complaint is concerned with the delivery of a service by the ICCA Registry Services Team, the student should raise the matter informally with the Registry Services Manager. If the complaint is concerned with a staff member who would ordinarily be the first point of contact, the student should complain to the ICCA Bar Course Leader.
- 55.18 The relevant person, as defined above, will listen to and discuss the nature of the complaint. Although they will not carry out a formal investigation, they can advise on how the matter could be resolved and will normally keep informal notes.
- 55.19 If the complaint requires a more thorough investigation or is particularly complex, the relevant person may refer the student to Stage Two of this procedure.

## **Stage Two: Formal Investigation**

- 55.20 Students who are dissatisfied with the outcome of informal resolution may submit a Stage Two Complaint, for a formal investigation to be undertaken.
- 55.21 Students should submit a Stage Two Complaint Form to the Dean of the ICCA (or nominee) within 3 months of the incident complained about or the last event in a series of incidents. Complaints received after this deadline will only be accepted at the discretion of the Dean of the ICCA.
- 55.22 The Dean of the ICCA will appoint an investigator in the Team responsible for the issues complained about.
- 55.23 The investigator will investigate the circumstances of the complaint, as well as considering the procedures of the ICCA. The investigation may involve interviewing the student making the complaint and others directly involved, as well as seeking opinion and information from anyone with an interest in, or knowledge of, the matter being complained about.
- 55.24 The investigator will consider the merits of the complaint and if, upheld in part or in full, will make proposals for the resolution of the complaint and may recommend further appropriate action.
- 55.25 The decision of the investigator shall normally be communicated in writing to the student and the Dean of the ICCA, within 21 days of receipt of the Stage Two complaint.

## **Stage Three: Appeal**

- 55.26 Students who are dissatisfied with the outcome of a Stage Two complaint may submit an appeal on either or both of the following grounds:

- a) that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation and that sufficient evidence remains that the complaint warrants further consideration;
  - b) that evidence can be produced of significant procedural error on the part of the ICCA in investigating the complaint, and that sufficient evidence remains that the complaint warrants further consideration.
- 55.27 Students should submit a Stage Three Complaints Form within 14 days of the Stage Two Complaint outcome. Appeals received after this deadline will only be accepted at the discretion of the Dean of the ICCA.
- 55.28 The Dean of the ICCA will normally advise the student in writing of their decision on the appeal within 20 days of receipt. If it is determined that an appeal should be heard, an Appeal Committee will be arranged, in accordance with the Appeal Committee structure.
- 55.29 The student may be represented at the Appeal Committee by another student member of the ICCA.
- 55.30 Additionally, the student may be accompanied by a family member or a friend who will not be able to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter.
- 55.31 If the student is to be represented or accompanied, the name of the person who is to attend with the student must be received in writing by the Registry Services Manager at least 48 hours in advance of the Committee who will pass it to the Appeal Committee. The Chair of the Appeal Committee may accept or reject a request, and their decision will be final. The Chair may refuse to permit a representative, friend or family member to attend where 48 hours' notice has not been received.
- 55.32 Written notice of the Appeal Committee will normally be sent to the student, together with the names of the Appeal Committee members and the Chair, and all documentary evidence, at least 14 days before the Appeal Committee date. Any concerns regarding documentation or membership of the Appeal Committee should be raised in writing by the student at the earliest opportunity to the Dean of the ICCA.
- 55.33 New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Committee. Should either party wish to submit new evidence this must be done at least seven days before the Committee date. The Chair of the Appeal Committee may accept or reject new evidence, and their decision will be final.
- 55.34 The Appeal Committee shall consider the documentary evidence and invite the student and any parties involved in the dispute to give evidence. Other persons shall be asked to attend if the Committee wishes.
- 55.35 The absence of the student or the other party/parties will not prevent the Appeal Committee from taking place nor invalidate the proceedings. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.

- 55.36 The Appeal Committee will determine whether there is sufficient reason to challenge the Stage Two Complaint outcome. If there is sufficient reason, the Appeal Committee will consider the merits of the complaint, and if upheld in part or in full, will determine proposals for the resolution of the complaint, and may recommend further appropriate action. If there is insufficient reason, the Stage Two Complaint outcome will stand.
- 55.37 The decision of the Appeal Committee shall normally be communicated in writing to the student and other ICCA Officers as appropriate, within 7 days of the decision of the Appeal Committee.
- 55.38 In respect of complaints in respect of issues which impact on a student's programme of study leading to a King's College London award the student shall have the ultimate right of appeal to King's College London under stage three of the King's College London student complaints procedure as set out in King's College London Academic Regulations. In respect of all other complaints, the decision of the Appeal Committee is final and there is no further right of appeal.

## **Office of the Independent Adjudicator**

- 55.39 A student may ask the [Office of the Independent Adjudicator](#) (OIA) to consider any unresolved complaint against the ICCA.